

SEVENTY-SEVENTH DAY

MORNING SESSION.

TUESDAY, May 28, 1912.

The Convention met pursuant to adjournment, was called to order by the president and opened with prayer by the Rev. Mr. McClelland, delegate from Knox county.

The journal of yesterday was read and approved.

Mr. Pettit rose to a question of privilege, and asked that his vote be recorded on Proposal No. 93, by Mr. Earnhart. His name being called, Mr. Pettit voted "aye."

Mr. Kilpatrick rose to a question of privilege, and asked that his vote be recorded on Proposal No. 34, by Mr. Thomas. His name being called, Mr. Kilpatrick voted "aye."

Mr. Kilpatrick rose to a question of privilege, and asked that his vote be recorded on Proposal No. 62, by Mr. Pierce. His name being called, Mr. Kilpatrick voted "aye."

Mr. Kilpatrick rose to a question of privilege, and asked that his vote be recorded on Proposal No. 134, by Mr. Halenkamp. His name being called, Mr. Kilpatrick voted "aye."

Mr. DOTY: I desire unanimous consent to make a statement. As near as can be ciphered out by those who are trying to close up business this week, the following appears to be possible: The Convention will consider and dispose of all of the proposals upon the calendar for third reading and the ones on the calendar for second reading tomorrow night. This gives us today and tomorrow for work, and then we can adjourn over until Friday so that the work of preparing the necessary resolutions and other documents that we have to prepare after this work is over can be done on Friday. The member from Ashtabula [Mr. LAMPSON], in whom we all have confidence, has canceled his engagement to speak on Memorial day so that he may be here Thursday and will be here on this work. Then we can meet on Friday and pass the necessary resolutions, one of which resolutions is the grand resolution, that is, the final exhibit of our work, including the directions to the secretary of state as to the manner of conducting the elections, and all of that sort of thing, and which has to be considered with care. That will be considered on Friday and will be amended. After it is passed, it is necessary to have one night intervene to have that resolution enrolled in printed form. Then it will be here ready for signature on Saturday morning and we can close our labors on Saturday. This, in the judgment of those with whom I have conferred, appears to be a program that can be carried out. There might something happen between now and tomorrow night that will change all of this, but as near as we can see it now this program is possible, and it is simply up to the members of the Convention as to whether they care to get through this week by doing it in the comparatively easy fashion I have outlined.

THIRD READING OF PROPOSALS.

The PRESIDENT: Proposal No. 91—Mr. Kilpatrick, is the first business in order and the secretary will read the proposal.

The proposal was read the third time.

Mr. WOODS: I do not want to talk against the proposal, but before we vote on its final passage, we should determine how this is to be submitted.

Mr. PECK: I rise to a point of order. That question cannot be decided now with the proposal before us.

Mr. WOODS: I move that the proposal be put at the foot of the calendar so that the form of ballot may be determined before we pass the proposal.

Mr. KILPATRICK: I move to lay that motion on the table.

The motion to table was carried.

Mr. RILEY: I desire to inquire how it happens that the proposal as passed on the second reading is materially changed as it is presented now. The form of submission was agreed to as I well remember, as fairly as anything has been agreed to in the Convention, and I wonder whether the committee on Phraseology thought it had the right or whether it took the responsibility to leave out more than half of the matter agreed to by the Convention and presented the matter in this form.

Mr. DOTY: The Convention did it.

Mr. RILEY: When?

Mr. DOTY: The other day.

Mr. COLTON: The committee on Phraseology passed on that particular proposal which will be a portion of the constitution, if it is adopted, and not upon the preliminary or final matter concerning the submission. You will remember that this proposal was passed before the general rule was adopted that all proposals should be submitted separately. There was another reason for our action, and that was we thought the adoption of that proposal rendered the introduction and concluding matter referring to the method of submission of no account.

Mr. PRICE: Why did you act differently upon this proposal and the liquor proposal?

Mr. COLTON: That was an inadvertance.

Mr. MILLER, of Crawford: In voting upon this proposal, it was with the distinct understanding that this was to be submitted separately. If that is not made clear it might influence some of our votes.

Mr. KING: It does not seem to me that the committee on Phraseology had any authority to drop out four sections entirely from this proposal as it passed on second reading. They were appointed for the purpose of arranging the phraseology, and instead of that they deliberately dropped out four of the five sections of the proposal and reported the proposal back without those four sections.

Mr. KNIGHT: I think it is due to the members of the Convention to understand exactly the situation, and how it came to be so. The question was raised and distinctly raised in the committee on Arrangement and

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Phraseology whether or not we had any business to strike out those lines which the report says we did order stricken out, "strike out lines 4 to 9 inclusive" and "strike out lines 16 to 29 inclusive." It will be noticed that the name of one member of the committee is not printed here. He subsequently signed the report in order that there might be a unanimous report from the committee on Phraseology. Personally I have never felt that the committee on Arrangement and Phraseology had any right to strike out those lines, but I think it is due to the members of the Convention to know, and they shall know, that the question was considered there, and there was a division of opinion as to the right of the committee to do that. In the judgment of at least one member of the committee it is a distinct change in substance with which the committee on Arrangement and Phraseology had nothing to do. I state these facts without any desire or design to formulate an argument based upon them, but simply as telling the Convention the facts.

Mr. JOHNSON, of Williams: I had thought I would not say anything on this question at this time. I had so much faith that I did not even examine the report of the committee on Phraseology. I feel that all of the questions will be fairly submitted, but after I had heard from the gentleman from Franklin [Mr. KNIGHT] that there has been some point of unfairness even in the committee on Arrangement and Phraseology—

Mr. DOTY: Will the gentleman yield for a moment?

Mr. JOHNSON, of Williams: Not now—but I am willing to take my chances even with that, so that we can get through our work and get away from here. My opposition to the proposal, at any rate, is mainly because I do not believe that the women of the state of Ohio want it. I belong to a class that believes that woman's influence in the home is of immensely more benefit to the people of Ohio than when their influence is divided between the political arena and the home. I believe they can do more good. I believe I occupy the position I now hold because of the good influences of the women of Williams county. I know that because I have letters in my desk to prove it. Very few of those women are in favor of woman's suffrage. Less than one hundred of the women of Williams county have signed a petition asking for this. Williams county is dry, and, as you know, I do not take any stock in the "dry" people who vote "wet" in this Convention. I know that Williams county would never have gone dry by sixteen hundred majority if it were not for the women of Williams county. I am now and always have been in favor of women's rights. I think, speaking from memory, twenty-five years ago, when there was a bill in the general assembly to give the married women the same rights as men, I voted for the proposition. I voted for the proposition to give women the right to serve as notaries public, because they ought to have it, but I do not believe you ought to impose an additional burden on them by giving them the right of suffrage. If they are first-class women, such as we have in Ohio, they will feel it is their duty to vote, and I do not want to make them vote. I do not want to impose that duty on a million and a half without their consent, and when gentlemen stand up here and say they have more respect for their wives and mothers than to oppose woman suffrage I am not

scandalized. I believe that sentiment is an excellent thing in the world if it has not gone to seed. I do not like to hear the president of this Convention traduced as being a wet man. The question is, is he honest and straightforward and a first-class citizen? I don't care whether he votes wet or dry, or whether he is a minister or not. Did you ever stop to think that it is our duty, whether ministers or not, to be first-class citizens, and that if we get the beams out of our own eyes, we won't have much time to pick the mote out of our brothers' eyes? I did not intend to speak a single word on this proposition, but when there is an arrangement to submit differently from that agreed upon I think I have a right to say I think it is wrong. I thank you for your attention. I would like to make a three hours' speech in twenty minutes, but I find I cannot do it. When I hear gentlemen in a convention talk for three or four hours to express what can be said in about three or four minutes, I think of the person who, when he was invited, instead of saying "I cannot come," replied, "I very much regret to inform you that the multiplicity of my engagements will make it impossible for me to accept your very polite invitation."

Mr. HALFHILL: I desire to supplement the statement of the member from Franklin that there was a difference of opinion among the committee on Phraseology as to the propriety of making this change. But I voted for it on the first reading, I voted for it on the second reading, I will vote for it on the third reading and I expect to support it at the polls. It passed the Convention in the nature of a compromise because it was well understood that some of those who seriously opposed it gave way in their opposition because of the peculiar wording of the proposal, which led everybody to believe that the separate submission, which was included in that proposal, meant a separate submission by way of a separate ballot cast in a separate ballot-box. That being so, we have not any right in my judgment to bring it back in this Convention so it can be put upon a straight ballot or upon any other form of ballot than that which was in the body of the proposal itself. I looked at it as a purely legislative matter, which we determined upon here in the nature of a compromise. I am satisfied if the president had not spoken as he did in favor of separate submission, and the understanding of the Convention being at that time that that meant a separate submission on a separate ballot in a separate ballot-box, there would have been a very great amount of difficulty in getting it through the Convention, although that would not have deterred me from voting for it. Now, gentlemen, this question of franchise is not, as has been sometimes debated and urged, an inalienable right; it is a conferred right, and it must be conferred under our theory of government and under our organization of society by the votes of those who can confer it, and those who can confer it are the electors of the state of Ohio. The present electors of the state of Ohio must have arguments addressed to them, and it is a question of such supreme importance that it deserves to be placed in a separate ballot-box. That was the reason why I believe it was altogether out of place to strike out those important sections in that proposal.

Mr. FACKLER: If suffrage is a conferred right and not a natural right, who conferred that right on us?

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Mr. HALFHILL: You will have to go back to the original organization of society to trace that up.

Mr. FACKLER: Do you believe in the social compact for society?

Mr. HALFHILL: Yes, but not all the vagaries of Jean Jacques Rousseau.

Mr. FACKLER: Then are not women part of society?

Mr. HALFHILL: Let me ask you a question?

Mr. FACKLER: I am asking you a question. Are not women entitled to be a party to the social compact?

Mr. HALFHILL: Women are a party to the social compact unquestionably, but do you deny the fact that suffrage is a conferred right under our system of society, both national citizenship and state citizenship?

Mr. FACKLER: I make this answer to that, that one of the fights all through the ages has been the one side contending that suffrage was a special privilege and the other side that it is a natural right. I believe it is a natural right.

Mr. HALFHILL: I am dealing with established laws and with facts and not with theories, and I submit to you whether or not, under our theory of government, the law and the constitution, suffrage is not absolutely and unqualifiedly a conferred right, conferred by existing electors.

Mr. FACKLER: You may have treated it that way, obviously, in the law, but that is no reason why we should continue to treat it in violation of natural law.

Mr. HALFHILL: I did not know that we were dealing with natural law in making a constitution, but thought existing laws and customs were to be discussed in making changes and in reaching conclusions.

Mr. HARRIS, of Hamilton: State to the Convention whether or not you know or ever heard of any law of nature which gives a right to vote, or any other right, save the right to live, if you are stronger than your opponent. Do you know of any other law of nature? The law of nature is the destruction of the weaker by the stronger.

Mr. HALFHILL: Of course, that is enlarging the scope of this discussion quite a good deal. The law of nature may be argued just like the law of divine inspiration, so that you could make of it almost anything. You could prove almost anything by the law of nature, or by the divine law written in the Holy Scriptures.

Mr. LAMPSON: Is not the law of nature protection as much as destruction? We protect infants according to the law of nature.

Mr. HALFHILL: Are you getting into that economic question of protection and free trade?

Mr. LAMPSON: Are not infant industries a legitimate subject of protection?

Mr. HALFHILL: I submit this is not the time for a candidate for congressman-at-large to announce his platform.

Mr. DOTY: Do you not think it was the member from Coshocton who lugged the law of nature into this discussion?

Mr. HALFHILL: I know that the member from Coshocton [Mr. MARSHALL] solves everything by the divine laws as written in the Scriptures, commencing with the garden of Eden and coming on down, and that is a good law to prove things by.

Mr. WINN: Do you also understand some members are lugging in some organic law?

Mr. HALFHILL: We may have to have a committee of specialists to determine when we get through whether what we bring forth is organic law or the coming results of a session of the legislature.

Mr. NYE: As a member of the committee on Phraseology I want to agree in what was said by the delegates from Franklin [Mr. KNIGHT] and Allen [Mr. HALFHILL] as to the disagreement and the manner of return of the proposal to the Convention. I was one of those who was in favor of returning it to the Convention as given to us, and I think it should have been so returned. I do not care to discuss the proposition, but it seems to me it ought to have been returned to the Convention as it was given over to our committee. It was given over to us for a separate submission, and it is up to the Convention to say whether it shall be separately submitted or submitted with the other propositions of the Convention.

Mr. FESS: Gentlemen of the Convention: I believe that this matter was entirely threshed out on the second reading, and I do not believe really that we are now of a temper to reopen all of this subject and discuss all of the pros and cons on the question of submission. That is perfectly clear to every member of the Convention. It was clear when we came into the Convention that the subject of discussion of matters of submission was whether we would submit a new constitution as a whole, including all modifications, or whether we would submit a new constitution with one or two proposals on a separate ballot; in other words, whether we would submit all as a whole or whether we would submit one or two questions separately. As I recall, Judge Winn, of Defiance, introduced a measure rather early; it was introduced first by Judge Okey and then after that, I think, it was introduced by Judge Winn—that the policy of this Convention should not be to submit the work in its entirety, but that the policy should be to submit every amendment separately; and that was agreed and fixed as the policy of the Convention. Now this contention of deciding to submit one or two amendments separately as being different from the policy already fixed upon, is, in my judgment, begging the question. We have decided to submit all of these questions separately. That does not mean that every one of the forty-two shall be submitted on a separate ballot, but so that you can vote for each one without any other. That is the policy already, and for us now to raise this question of whether you are to have a separate ballot is begging the question altogether. It is in the hope of defeating this proposal, and I do not think it is fair. We ought not to discriminate against one or against the other, and this question ought not now to be raised. In reply to my friend from Williams [Mr. JOHNSON] [who was seeking recognition], I just want to remind him that there is so much bad in the best of us and so much good in the worst of us that it does not pay either of us to find fault with the other. That is the answer to you, Mr. Johnson.

Mr. JOHNSON, of Williams: But I haven't put any question.

Mr. DOTY: Oh, he answered your question before you got to it. He knew what was coming.

Mr. FESS: I notice that the Convention is seeming

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to confuse the issue, and reopen the whole thing; I do not believe it is wise at this time, and I therefore move the previous question.

The motion was lost.

Mr. DOTY: It does seem strange what short memories we all have. We have heard from two or three members on the committee on Arrangement and Phraseology stating some things that occurred in our committee room. One very important point brought out which appealed to some of the members who voted to report this proposal as it was reported, seems to have been forgotten. The member from Greene brought it out partly when he said he wanted to follow the resolution calling for a distinct programme for a separate submission of the work. That resolution by Mr. Winn was passed after the Convention had adopted the woman suffrage proposal, and not before. I claim, and the majority of the committee claims, the committee on Arrangement and Phraseology ought to take that fact into consideration, and they did take that fact into consideration, and reported a proposal in compliance with the provisions of that resolution. Now, just remember that this also happened. After Judge Winn's resolution was adopted this Convention passed one proposal that had a provision for separate submission, and that proposal, notwithstanding it was passed after notice of this Convention, was reported by the Arrangement and Phraseology committee without provision for a separate submission. That proposal was submitted to the Convention and passed yesterday without the utterance of a single syllable against that end of it. It was the capital punishment proposal. Just see where you are landing. You are complaining—don't think nobody but the member from Washington has raised a complaint—you find the complaint coming largely from the members of the committee, and yet the very members who are complaining signed a report on the capital punishment proposal which was passed after Judge Winn's resolution, and was the only one passed after Judge Winn's resolution, and adopting a submission clause with it. Yet we assume the responsibility of submitting a report to the Convention which struck out that which was passed after Judge Winn's resolution was passed, and this Convention accepted that report and passed the proposal, and not a single soul on the floor ever raised that point on that proposal.

Mr. JOHNSON, of Williams: This proposal passed on the 7th of March specifying that there should be a separate ballot box. How was that changed and why?

Mr. DOTY: Because a majority of the Convention changed it.

Mr. JOHNSON, of Williams: A majority did not.

Mr. DOTY: Yes, a majority did. They passed the Winn resolution after this, and then the capital punishment was passed afterward.

Mr. LAMPSON: There was read before our committee the resolution which had been adopted by this Convention, which I took, and I think you did yourself, in the nature of instructions, and it was read by the chairman of the committee. I have not heard it read here, and I would like to know if the chairman has that resolution.

Mr. DOTY: Yes, the resolution by Judge Winn.

Mr. LAMPSON: I would like to have that read?

Mr. DOTY: I have no objection.

Mr. JOHNSON, of Williams: I didn't know anything about that change and I know nothing about this. I thought we were doing things fairly and that is what I want to do. That is my position, and I want to know if you agree to it. Why not pass this without discussing about the understanding? Then we can decide it in the future without giving this thing any prestige.

Mr. DOTY: This Convention can change or alter the manner of submission at any time.

Mr. JOHNSON, of Williams: We don't want to give it prestige as the report of a committee.

Mr. DOTY: The report of a committee cannot give anything any prestige. The committee has no power to amend anything. The committee on Arrangement and Phraseology went to very great length to prepare its report so that members of the Convention could not raise the question of fairness. We had our reports in so that members of the Convention would have ample opportunity to know what we recommended, and we did not ask the Convention to agree to a single report upon the question of the submission of the report.

Mr. TANNEHILL: Was not the previous question ordered?

The PRESIDENT: No, sir.

Mr. TANNEHILL: What was the vote awhile ago on that?

The PRESIDENT. Fifty to forty, and it requires a two-thirds vote to carry the previous question.

Mr. MARSHALL: I believe you stated that this Convention had power to fix the question of submission at any time. Has the Convention that power right now? If so, let the Convention do it.

Mr. DOTY: Now, if you want to get anything in like that, get it in on your own time. Use your own time to make your statement. You don't know a question from a two-base hit.

Mr. HALFHILL: Are you able to give any light as to how this thing occurred in the transmission of the report when Proposal No. 151 is in here in the form in which it passed the Convention?

Mr. DOTY: I can explain that.

Mr. HALFHILL: I don't understand it.

Mr. DOTY: I think it was largely because it was the liquor question, and we had so many candidates on the committee we were all afraid to tackle it. I do not know of any other reason. It ought not to be there.

Mr. HALFHILL: Did we not vote to strike out that modified submission in Proposal No. 151?

Mr. DOTY: I don't remember it.

Mr. HALFHILL: My understanding was that the majority of the committee voted to strike all of that out. And how does it come through with none of that stricken out?

Mr. DOTY: I do not remember that. If you say it, I will take your word against my memory. My memory is faulty. I will confess I don't remember having taken any vote upon the submission of Proposal No. 151 at all. I should have voted for it if it had been made.

Mr. HALFHILL: I am thoroughly at a loss to know how it happened and I thought we were getting some co-operation from Professor Colton.

Mr. DOTY: I am satisfied it is a mistake, but I don't know how it happened.

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Mr. ANDERSON: Is it not true that on a careful examination of the liquor proposition there was nothing in the liquor proposition to say that it should be separately submitted in a separate ballot-box or on a separate ballot?

Mr. DOTY: I do not remember.

Mr. ANDERSON: While the liquor proposition was under discussion the Worthington amendment changed it from a separate ballot-box to the form in which it is now and there was no change made by the committee.

Mr. DOTY: I am willing to take what Mr. Anderson says as a fact, though I do not remember it.

Mr. HOSKINS: Is it not a fact that the form of submission is provided in the same language exactly in the woman suffrage proposal as in the liquor proposal?

Mr. DOTY: I do not know. I never compared them. I am stating what the Convention ought to do and what they did do on capital punishment. You did not raise the question then, and whoever is raising it now is raising it for the benefit of creating discussion.

Mr. HOSKINS: Is it not a fact that the question of the manner of submission of that proposition procured a lot of affirmative votes on the second reading and that the committee on Phraseology has taken away that method of submission?

Mr. DOTY: I don't know. I have heard members give different excuses. Some say their wives want them to support it and others say their wives do not. They have this, that and the other excuse, and whether those excuses will explain it I don't know.

Mr. KING: If this proposal is adopted in the form reported by the committee ought not that whole question be determined when we reach the question of form of submission?

Mr. DOTY: Yes.

Mr. KING: If that is so I do not see the reason of having all of this discussion.

Mr. ANDERSON: We were asked a while ago by Mr. Hoskins whether Proposal No. 91 and Proposal No. 151 did not provide the same form of submission. If you will turn to your books you will find this language in the woman's suffrage proposal:

SECTION 2. At such election a separate ballot shall be in the following form:

ELECTIVE FRANCHISE.

	For Woman's Suffrage.
	Against Woman's Suffrage.

SECTION 3. Separate ballot boxes shall be provided for the reception of such ballots.

Now, in Proposal No. 151 it reads:

SECTION 2. At said election a ballot shall be in the following form:

INTOXICATING LIQUORS.

	For License.
	Against License.

Mr. DOTY: I am obliged to the gentleman.

Mr. HOSKINS: And you strike out the separate submission. You strike out "in the ballot box."

Mr. KNIGHT: Do I understand the gentleman to say that the question had been raised on this point solely for the purpose of defeating the woman's suffrage amendment?

Mr. DOTY: That is my guess.

Mr. KNIGHT: I want to say that that is not my guess.

Mr. DOTY: I didn't know you had raised the question.

Mr. KNIGHT: I raise the question because I do not think the committee had any such idea.

Mr. DOTY: The member from Franklin forgot to state why some of us voted to report this as it is. Here is the reason: Here is a resolution of the Convention passed and turned over to our committee as notice of how we ought to do our work. I think you call that taking judicial notice.

Mr. FESS: As a matter of parliamentary procedure, what difference does it make how we vote on this now?

Mr. DOTY: Not the slightest.

Mr. FESS: Is it not true that, whatever we may do, the report of the committee on Submission and Address to the People will have absolute control when adopted by the Convention?

Mr. DOTY: Yes.

Mr. FESS: Is not this whole procedure out of order?

Mr. DOTY: Somewhat, but the other members of the committee on Phraseology had had their inning and I wanted one myself.

Mr. LEETE: I move the previous question.

The main question was ordered.

The PRESIDENT: The question is, "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas, 74, nays 37, as follows:

Those who voted in the affirmative are:

- | | | |
|------------------|--------------------|--------------------|
| Anderson, | Farnsworth, | Lambert, |
| Antrim, | Farrell, | Lampson, |
| Baum, | Fess, | Leete, |
| Beatty, Morrow, | FitzSimons, | Longstreth, |
| Beatty, Wood, | Fluke, | Malin, |
| Brown, Highland, | Hahn, | Marriott, |
| Campbell, | Halenkamp, | Miller, Fairfield, |
| Cassidy, | Halfhill, | Miller, Ottawa, |
| Cody, | Harbarger, | Moore, |
| Colton, | Harris, Ashtabula, | Nye, |
| Crites, | Harter, Stark, | Okey, |
| Crosser, | Henderson, | Peck, |
| Cunningham, | Holtz, | Peters, |
| Davio, | Hursh, | Pettit, |
| Doty, | Jones, | Pierce, |
| Dunn, | Kehoe, | Read, |
| Elson, | Kilpatrick, | Redington, |
| Fackler, | Kramer, | Rockel, |

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Rorick,	Stewart,	Wagner,
Shaffer,	Stilwell,	Walker,
Shaw,	Stokes,	Watson,
Smith, Geauga,	Taggart,	Winn,
Smith, Hamilton,	Tannehill,	Wise,
Solether,	Tetlow,	Mr. President.
Stevens,	Thomas,	

Those who voted in the negative are :

Beyer,	Hoskins,	Mauck,
Bowdle,	Johnson, Madison,	McClelland,
Brattain,	Johnson, Williams,	Miller, Crawford,
Brown, Pike,	Keller,	Norris,
Collett,	Kerr,	Partington,
Cordes,	King,	Price,
Donahey,	Knight,	Riley,
Dunlap,	Kunkel,	Roehm,
Dwyer,	Leslie,	Stalter,
Evans,	Ludey,	Stamm,
Fox,	Marshall,	Ulmer,
Harris, Hamilton,	Matthews,	Woods.
Hoffman,		

Mr. DWYER [during roll call]: Because of the action of the committee on Arrangement and Phraseology I vote no.

Mr. ULMER: For the same reason I vote no.

So the proposal passed as follows:

Proposal No. 91.—Mr. Kilpatrick. To submit an amendment to article V, section 1, of the constitution.—Woman's suffrage.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal to amend the constitution shall be submitted to the electors to read as follows:

ARTICLE V.

SEC. 1. Every citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township or ward in which he or she resides such time as may be provided by law, shall have the qualifications of an elector and be entitled to vote at all elections.

Mr. PECK: I move to reconsider the vote by which that proposal passed, and I move to lay the motion on the table.

The motion was carried.

The PRESIDENT: Proposal No. 331—Mr. Walker. The proposal was read the third time.

Mr. WINN: I offer an amendment.

The amendment was read as follows:

Strike out line 8 after the word "further" and insert in lieu thereof the following:

"That in the event the above proposal be passed by the Convention, and adopted by the electors of the state it shall take effect and become a part of the constitution on February 1st, 1915, and said section 13 of article VIII shall be repealed as of that date."

Mr. WINN: Gentlemen of the Convention: This amendment is offered for a single purpose. There are, as you know, three members of the board of public works. The term of office of one of them expires February 1, 1915. It is a four-year term of office. Now it has been

the policy of this Convention thus far, wherever I have heard the opinion expressed on the subject, and it has all been one way, that this Convention would not attempt to legislate anybody out of office. We are building a constitution for the future and not particularly with respect to the present.

That is one strong reason why we should not pass this amendment to the constitution and legislate out of office those who otherwise would hold office until February 1, 1913. Two of them hold until that time and one holds until February 1, 1915.

There is still another reason. Next month, in just a few days, both of the dominant political parties will come together in state convention. There will be two candidates for members of the board of public works to be nominated. Now you can see how embarrassing it will be for the convention and for the candidates. If nominations are made they must be made and accepted with the understanding that if the result of our deliberations and our work is approved by the people, those who are nominated and have engaged in making a campaign will step down and out. If the parties fail to make nominations and this work is not ratified it will be too late to make nominations and have them on the ticket for November. So I propose that the amendment itself shall take effect when the one hold-over member shall go out of office, February 1, 1915. The parties may then know that instead of making nominations with the certainty that it is a four-year term they will simply make nominations and their candidates will go upon the ticket with the understanding that if our work is ratified those who are successful will be elected for a term of two years or until February 1, 1915. At that time all three will go out of office.

Mr. KING: Did he take office the first of February?

Mr. WINN: I may be mistaken about that, but I asked a member of the board so as to know when the term of office expired, and he said February 1, 1915.

Another strong reason why I am against this in its present form is that the only man to be legislated out of office is a democrat, and it is so seldom that one of us democrats gets any thing that it is too bad to have it taken away from us. I think there are good reasons why this should be adopted. I have consulted the author of the proposal and he has no objection to it and I hope the amendment will be agreed to.

Mr. FACKLER: I move that the amendment be laid on the table.

The motion to table was lost.

Mr. ANDERSON: At one of the first sessions we had of the Judiciary committee Judge Peck laid this down as a rule, that that committee must not do anything that would take any man out of office or lessen his term by one hour. We were controlled in the actions of that committee by that splendid suggestion and I think it is entirely right and good. I suggest to this Convention that controlling influence in our committee. If we are anxious to have this change it will not take long to have everything going in an orderly way. I think the amendment ought to prevail, that men ought to go out of office at a certain time, and that the governor should appoint at that time.

Mr. HARBARGER: Are there any members of the board of public works that we will interfere with?

Abolishing Board of Public Works.

Mr. ANDERSON: No, so I understand; but I have not investigated, and I understand if this prevails without the amendment it shortens one term two years. In other words, it cuts one term right in half.

Mr. TETLOW: The men now in office will serve how long?

Mr. WINN: Two until February 1, 1913, and one until February 1, 1915.

Mr. ANDERSON: The only suggestion I wanted to make is—I have not investigated the subject, but I have heard what Judge Winn says—I do not want to be a party to any action that will take two years or any time from any man.

Mr. TETLOW: I am opposed to the amendment for the simple reason that if the amendment is adopted and becomes a part of this proposal, whoever may be elected in the coming campaign to fill this position would only serve two years and consequently his term is shortened two years. If this proposal passes without amendment it means that of those who are now in office one will sacrifice only a little more than two years and one only part of one year, and consequently I think it is far better to pass the proposal without the amendment than with it.

Mr. ANDERSON: Is not this true, that the men who now seek nominations as democrats or republicans do so with their eyes open, knowing the actions of the Constitutional Convention, but the man who sought that office two years ago and was nominated and elected—and I understand he is a democrat, although the fact that he is a democrat is good evidence that he didn't have his eyes open—sought it when it was a four-year office. Now why should we take from him two years when he had no means of determining that any such action should be taken?

Mr. TETLOW: Yes, but when you have the same condition confronting you in the coming state convention the man who accepts the nomination for this position will be accepting it for a four-year term, just the same as the other man had in view.

Mr. ANDERSON: They know of this action of the Convention.

Mr. TETLOW: But they do not know that the people will adopt it.

Mr. WINN: Do you appreciate the fact that in the adoption of the Peck judiciary proposal we were particular to make provision that all circuit judges now holding office should continue to hold office as appellate judges and that the term of office would not be shortened, but would remain precisely the same, and that the same provision should be made with respect to the supreme judges and the judges of the courts of common pleas, whereas we were changing practically all of the judges of the common pleas?

Mr. TETLOW: That is true, but there is a distinction between the two things. Every one admits that the courts are a necessity. We have not abolished those positions. We are abolishing the office of the board of public works because we do not believe in it, and if we do not believe in it I do not believe in retaining officials in positions that we believe should be abolished. This amendment reminds me of the story of the man who wanted to cut off his dog's ears, and he thought he would be humane about it and he cut them off about one-eighth of an inch, allowed them to heal and then

cut off another eighth, allowed that to heal, and so on until finally the dog's ears were clipped off.

Mr. WINN: Are you sure that it was the ears? I have heard the story, but it was not the ears.

Mr. DOTY: You are thinking about that dun-colored mule you rode to Defiance. Now we are to have a ye and nay vote on this and I want to call your attention to one phenomenon—

Mr. HOSKINS: Will you allow me—

Mr. DOTY: Just a minute. I want to finish. Just watch the vote. The members from so-called canal counties and the men who are after office and want the support of the canal counties will vote for this and a large number of the rest of us, and I hope all of the rest of us, will vote against it. There is no trouble in telling about the vote of the members of the canal counties, because you know what they are going to do every time.

Mr. HOSKINS: Do you think it is becoming in you to stand up here and reflect upon the vote of any member of the Convention?

Mr. DOTY: I think it just as becoming as some of the language that you used on this floor.

Mr. BEATTY, of Wood: You say the members of the canal counties are going to vote for it. I am from a canal county and I will vote against it.

Mr. DOTY: And why? Because you have been in the legislature for eight or ten years and know what ought to be done, and the member from Mahoning is not from a canal county.

Mr. ANDERSON: No attention should be paid to a vote from a political standpoint.

Mr. DOTY: But attention is given notwithstanding you say it ought not to be.

Mr. ANDERSON: You should not accuse people of voting for political reasons because in the Judiciary committee we decided that no man's term of office should be shortened.

Mr. DOTY: I am not accusing anybody. The members of the canal counties are as honest as I am and if I have aimed to cast any reflection on anybody's vote I withdraw it. I have no intention of doing so. I was calling attention to a political phenomenon.

Mr. HOSKINS: Do you think there should be a political motive assigned to any member of a committee who would emasculate the woman's proposal and turn in the liquor proposal just as it was?

Mr. DOTY: If you are referring to me I don't care. What I did I did publicly, and, more than that, I helped have that report printed and laid on your desk so that you could not help but be well informed as to it.

Mr. HOSKINS: And that might reflect politically—

Mr. DOTY: It might in your eyes, but not in mine. This is simply a scheme to keep them on a little bit longer and we have been trying to get rid of them for thirty or forty years. This is the first chance we have had to do away with the board of public works, and I want to say that there is a member of the board of public works who, every time he has seen me, has importuned me—not quite that, but he has told me time and again to do away with the board of public works. He is a member elected and comes from Ashtabula county, but I do not like to mention his name.

Mr. SMITH, of Hamilton: I move the previous question on the amendment and everything.

Abolishing Board of Public Works—Use of Voting Machines.

The main question was ordered.

The PRESIDENT: The question is, Shall the amendment pass? A roll call has been demanded and the secretary will call the roll.

The yeas and nays were taken, and resulted—yeas, 32, nays 75, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Hamilton,	Miller, Crawford,
Baum,	Harter, Stark,	Norris,
Brattain,	Henderson,	Riley,
Brown, Pike,	Holtz,	Shaw,
Cody,	Hoskins,	Smith, Geauga,
Collett,	Keller,	Stalter,
Colton,	Kerr,	Stokes,
Dwyer,	Kramer,	Taggart,
Fluke,	Kunkel,	Walker,
Halfhill,	Lampson,	Winn.
Harris, Ashtabula,	Matthews,	

Those who voted in the negative are:

Antrim,	Harbarger,	Partington,
Beatty, Morrow,	Harter, Huron,	Peck,
Beatty, Wood,	Hoffman,	Peters,
Beyer,	Hursh,	Pettit,
Campbell,	Johnson, Madison,	Pierce,
Cassidy,	Johnson, Williams,	Price,
Cordes,	Jones,	Read,
Crites,	Kehoe,	Redington,
Crosser,	Kilpatrick,	Rockel,
Cunningham,	King,	Roehm,
Davio,	Knight,	Rorick,
Donahey,	Lambert,	Shaffer,
Doty,	Leete,	Smith, Hamilton,
Dunlap,	Leslie,	Solether,
Dunn,	Longstreth,	Stamm,
Elson,	Ludey,	Stevens,
Evans,	Malin,	Stewart,
Fackler,	Marriott,	Stilwell,
Farnsworth,	Marshall,	Tannehill,
Farrell,	Mauck,	Tetlow,
Fess,	Miller, Fairfield,	Thomas,
FitzSimons,	Miller, Ottawa,	Ulmer,
Fox,	Moore,	Wagner,
Hahn,	Nye,	Watson,
Halenkamp,	Okey,	Wise.

So the amendment of the member from Defiance was not agreed to.

Mr. KNIGHT: There is an amendment that should be offered, the same as the one that was offered as to the state commissioner of common schools, providing for the duties of a new office until the legislature acts.

Mr. FESS: A point of order. The previous question was called on everything pending.

The PRESIDENT: The way the motion was stated it will be impossible to amend now.

Mr. READ: I move that we reconsider the vote by which that main question was ordered.

The PRESIDENT: That is not in order. The question is, "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 106, nays 3, as follows:

Those who voted in the affirmative are:

Anderson,	Cassidy,	Doty,
Antrim,	Cody,	Dunlap,
Baum,	Collett,	Dunn,
Beatty, Morrow,	Colton,	Dwyer,
Beatty, Wood,	Cordes,	Elson,
Beyer,	Crites,	Fackler,
Brattain,	Crosser,	Farnsworth,
Brown, Highland,	Cunningham,	Farrell,
Brown, Pike,	Davio,	Fess,
Campbell,	Donahey,	FitzSimons,

Fluke,	Lampson,	Rockel,
Fox,	Leete,	Roehm,
Hahn,	Leslie,	Rorick,
Halenkamp,	Longstreth,	Shaffer,
Halfhill,	Ludey,	Shaw,
Harbarger,	Malin,	Smith, Geauga,
Harris, Ashtabula,	Marriott,	Smith, Hamilton,
Harris, Hamilton,	Marshall,	Solether,
Harter, Huron,	Matthews,	Stalter,
Henderson,	Mauck,	Stamm,
Hoffman,	Miller, Crawford,	Stevens,
Holtz,	Miller, Fairfield,	Stewart,
Hoskins,	Miller, Ottawa,	Stilwell,
Hursh,	Moore,	Stokes,
Johnson, Madison,	Norris,	Taggart,
Johnson, Williams,	Nye,	Tannehill,
Jones,	Okey,	Tetlow,
Kehoe,	Partington,	Thomas,
Keller,	Peck,	Ulmer,
Kerr,	Peters,	Wagner,
Kilpatrick,	Pettit,	Walker,
King,	Pierce,	Watson,
Knight,	Price,	Wise,
Kramer,	Redington,	Woods,
Kunkel,	Riley,	Mr. President.
Lambert,		

Those who voted in the negative are: Harter, of Stark, Read, Winn.

So the proposal passed as follows:

Proposal No. 331—Mr. Walker. To submit an amendment to article VIII, section 12, and to repeal section 13, of the constitution.—Abolishing board of public works.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal to amend the constitution shall be submitted to the electors to read as follows:

ARTICLE VIII.

SEC. 12. So long as this state shall have public works which require superintendence, a superintendent of public works shall be appointed by the governor for the term of one year, and his duties and powers shall be defined by law.

Resolved further, That section 13 of article VIII is hereby repealed.

Mr. KNIGHT: I would like to make a motion. The proposal does not prescribe any duties for the newly created officer, and I would like to offer a resolution of instructions that the Phraseology committee be instructed to report this back with an amendment in the grand resolution and that the amendment should be as follows:

In line 7 strike out all after the word "year" and insert "with the powers and duties now exercised by the board of public works until otherwise provided by law, and with such other powers as may be provided by law."

The language is identical with that which the Convention inserted Friday last in the proposal pertaining to the superintendent of public instruction.

The motion was carried.

The PRESIDENT: Proposal No. 242—Mr. Roehm. The proposal was read the third time.

Mr. ROEHM: I offer an amendment. The amendment was read as follows:

Use of Voting Machines—Municipal Home Rule.

In line 6 strike out the word "ballot" and substitute in place thereof the word "vote".

Mr. ROEHM: It was thought by some of the members of the Convention that the word "ballot" in line 6 might refer merely to the word ballot previously used in line 5 and that the secrecy of voting would be preserved only when the ballot was used and not the voting device, and for that reason this amendment is offered.

The amendment was agreed to.

Mr. OKEY: I offer an amendment.

The amendment was read as follows:

Strike out the words "preserve the secrecy of the ballot" in line 6 and insert the following: "providing, however, the secrecy in voting shall be preserved."

Mr. DOTY: There are no such words now in the proposal as are indicated by that amendment.

The SECRETARY: That should read "secrecy of the vote."

Mr. DOTY: No, sir; it should read just as the member sent it up, and I make the point of order on the way the member sent it up.

Mr. OKEY: The word "ballot" should be changed to "vote." The secrecy of the ballot is not what we want to preserve, but the secrecy of the voting. The ballot is that upon which the names are recorded and the voting is another thing. It is the secrecy of the voting that we want to preserve. That is what I had in view, and I offer the amendment to clarify it.

The amendment was read as follows:

Strike out the words "secrecy of vote" in line 6 and insert in lieu thereof the following, "provided, however, the secrecy in voting shall be preserved."

Mr. OKEY: After further examination I think Mr. Roehm's amendment covers that and I withdraw my amendment.

The question being, "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 97, nays 8, as follows:

Those who voted in the affirmative are:

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|------------------|--------------------|--------------------|
| Antrim, | Fox, | Leete, |
| Baum, | Hahn, | Longstreth, |
| Beatty, Morrow, | Halenkamp, | Ludey, |
| Beyer, | Halfhill, | Malin, |
| Bowdle, | Harris, Hamilton, | Marriott, |
| Brown, Highland, | Harter, Huron, | Marshall, |
| Campbell, | Harter, Stark, | Matthews, |
| Cassidy, | Henderson, | Mauck, |
| Colton, | Hoffman, | McClelland, |
| Cordes, | Holtz, | Miller, Crawford, |
| Crites, | Hoskins, | Miller, Fairfield, |
| Crosser, | Hursh, | Miller, Ottawa, |
| Cunningham, | Johnson, Madison, | Moore, |
| Davio, | Johnson, Williams, | Nye, |
| Donahay, | Jones, | Okey, |
| Doty, | Kehoe, | Partington, |
| Dunlap, | Keller, | Peck, |
| Dunn, | Kerr, | Peters, |
| Dwyer, | Kilpatrick, | Pierce, |
| Earnhart, | King, | Price, |
| Farnsworth, | Knight, | Read, |
| Farrell, | Kramer, | Redington, |
| Fess, | Kunkel, | Riley, |
| FitzSimons, | Lambert, | Rockel, |
| Fluke, | Lampson, | |

- | | | |
|----------------|------------|----------------|
| Roehm, | Stewart, | Wagner, |
| Rorick, | Stilwell, | Walker, |
| Shaffer, | Stokes, | Watson, |
| Smith, Geauga, | Taggart, | Winn, |
| Solether, | Tannehill, | Wise, |
| Stalter, | Tetlow, | Woods, |
| Stamm, | Thomas, | Mr. President. |
| Stevens, | Ulmer, | |

Those who voted in the negative are:

- | | | |
|---------------|------------|---------|
| Beatty, Wood, | Cody, | Leslie, |
| Brattain, | Collett, | Norris. |
| Brown, Pike, | Harbarger, | |

So the proposal passed as follows:

Proposal No. 242—Mr. Roehm. To submit an amendment to article V, section 2, of the constitution.—Use of voting machines.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal to amend the constitution shall be submitted to the electors to read as follows:

ARTICLE V.

SEC. 2. All elections shall be either by ballot or by mechanical device, or by both, preserving the secrecy of the vote. Laws may be enacted to regulate the preparation of the ballot and to determine the application of such mechanical device.

The proposal was referred to the committee on Arrangement and Phraseology.

The PRESIDENT: Proposal No. 272—Mr. FitzSimons, is the next business in order.

The proposal was read the third time.

Mr. FITZSIMONS: I offer an amendment.

The amendment was read as follows:

In line 17 insert a comma after the word "self-government" and in line 18 strike out the comma.

Mr. HOSKINS: The striking out of that comma and the inserting of another one does not enlarge or curtail any powers?

Mr. FITZSIMONS: Not a particle.

Mr. HOSKINS: What is the purpose?

Mr. FITZSIMONS: The idea was to make it more self-evident than in the original proposition that the powers were entirely within the municipality.

Mr. WINN: I hope that every body will give attention while we discuss this amendment. It is of most vital importance. I was not able to hear the answer made by the author [Mr. FITZSIMONS] to the inquiry directed to him by the member from Auglaize, but I do know that if this innocent amendment is made it practically changes the whole substance of section three. As it now reads, the municipality shall have the authority to exercise all powers of local self-government and adopt and enforce within their limits local police, sanitary and other regulations such as are not in conflict with general laws. It is proposed to insert a comma after self-government so that the municipality shall have authority to exercise all powers of local self-government without any restraint by the general laws of the state. Do you get that?

Mr. DOTY: That is what they ought to have.

Mr. WINN: Now you can see the colored gentleman in the woodpile.

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Mr. DOTY: I am not colored.

Mr. WINN: If I understood the answer of Mr. FitzSimons, the author of the proposal, he said that this comma would not change the sense of the section, but you see now that the purpose is to give the municipalities absolute power of local self-government without respect to any general laws of the state, and that the limitations not in conflict with the general law of the state shall apply only to local police, sanitary and similar regulations. A few days ago, when this question was under discussion, I offered an amendment to section 7 broader in its scope and more liberal to the municipalities than anything that has been asked for by the author of the proposal or by its friends. That amendment was offered and agreed to and written into the proposal because in section 3 there was no comma after the word self-government. You see the importance of all this, so if we now insert a comma after the word "self-government" and thereby limit the right of municipalities by general laws to only such things as relate to local police, sanitary and other regulations, then we have in section 7 the same unrestricted right on the part of the municipalities to adopt a charter that was not intended. Such was not understood to be the sense of this Convention when the amendment to section 7 was offered and adopted. It ought not to be allowed now. I think that the members in favor of this proposal should have known before this section was presented that those who are opposed to it yielded, as we did a few days ago, simply because we believed there was left in it local self-government for municipalities limited only by the provisions of the general assembly or the lawmaking power. I move, therefore, that this amendment be laid on the table.

Mr. DOTY: I demand the yeas and nays on that. That is scarcely a fair way of handling a matter. It is an important matter and it should not be closed up like this.

Mr. ANDERSON: A point of order. There is only one thing before the Convention.

The PRESIDENT: The yeas and nays have been demanded on the motion to lay on the table.

Mr. HARRIS, of Hamilton: It occurs to me that the chairman of the committee should be allowed to make a statement.

Mr. ANDERSON: A point of order. A motion to table is not debatable.

The yeas and nays were taken, and resulted—yeas 67, nays 42, as follows:

Those who voted in the affirmative are:

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|------------------|--------------------|--------------------|
| Anderson, | Evans, | Lampson, |
| Antrim, | Farnsworth, | Leete, |
| Baum, | Fess, | Longstreth, |
| Beatty, Morrow, | Fluke, | Ludey, |
| Beyer, | Harbarger, | Marriott, |
| Beatty, Wood, | Harris, Ashtabula, | Mauck, |
| Brattain, | Holtz, | McClelland, |
| Brown, Highland, | Hoskins, | Miller, Crawford, |
| Campbell, | Johnson, Madison, | Miller, Fairfield, |
| Cassidy, | Johnson, Williams, | Miller, Ottawa, |
| Colton, | Jones, | Nye, |
| Crites, | Kehoe, | Okey, |
| Cunningham, | Kerr, | Partington, |
| Dunn, | Kilpatrick, | Peck, |
| Dwyer, | Knight, | Peters, |
| Earnhart, | Kramer, | Pettit, |
| Elson, | Lambert, | Read, |

- | | | |
|----------------|------------|---------|
| Rockel, | Stamm, | Wagner, |
| Roehm, | Stevens, | Walker, |
| Rorick, | Stewart, | Watson, |
| Shaw, | Tannehill, | Winn, |
| Smith, Geauga, | Tetlow, | Wise. |
| Solesher, | | |

Those who voted in the negative are:

- | | | |
|--------------|-------------------|------------------|
| Bowdle, | Halenkamp, | Moore, |
| Brown, Pike, | Halfhill, | Pierce, |
| Cody, | Harris, Hamilton, | Price, |
| Cordes, | Harter, Huron, | Redington, |
| Crosser, | Harter, Stark, | Riley, |
| Davio, | Hoffman, | Shaffer, |
| Donahey, | Hursh, | Smith, Hamilton, |
| Doty, | Keller, | Stalter, |
| Dunlap, | King, | Stilwell, |
| Fackler, | Kunkel, | Stokes, |
| Farrell, | Leslie, | Taggart, |
| FitzSimons, | Malin, | Thomas, |
| Fox, | Marshall, | Ulmer, |
| Hahn, | Matthews, | Mr. President. |

So the motion to table prevailed.

Mr. Cunningham: I offer an amendment.

The amendment was read as follows:

Strike out all after "Sec. 2" in line 10 and insert the following:

"The general assembly shall authorize the adoption of the commission plan of municipal government by the cities of this state."

Mr. CUNNINGHAM: Proposal No. 272 has received less real general consideration in open convention than any other important proposal before this body, and I believe should have received the most careful attention. It is true that we were assured by members of the committee on Municipal Government that they had sweat blood, over its consideration; that not a syllable of any word or even a preposition had been overlooked; that it was the best thing of the kind that had ever been framed by mortal man up to this time; that it embraced on this subject the garnered wisdom of a thousand years. Some of us think that it falls far short of what is claimed for it. In the first place, the amended title is misleading. The title has been changed by the committee on Phraseology to "Municipal Home Rule." We think that title does not describe it at all and that it will have the effect to mislead and deceive the people. The title to describe in short the object of this proposal should be changed to something like this: "To provide an easy way for universal municipal bankruptcy." If the people are not deceived as to the real scope of this measure it will never be adopted.

Let us examine it for a few moments. It provides for a deluge of these corporations. Under it more than two thousand different and distinct municipal corporations can be organized in the state. This looks to me to be home rule run mad. So far as I am personally concerned I am in favor of granting the right to any city to establish a commission form of government. A proposal of twenty-five lines is all that is needed to provide this constitutional right.

The proposal is a mongrel, a mixture of a little organic law and a great deal of pure legislation, and that legislation of the very worst and most vicious kind.

It embodies features in total disregard of the rights of the owners of private property. For example, if an

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owner is seized of the title to town lots adjacent to each other and one of them is taken on condemnation for some fancied public improvement the price of the lot so taken can be assessed against the owner's remaining lot.

I fully recognize the right of municipalities to condemn private property for purely public uses, but do not recognize the right to compel the owner to pay for his own land so taken. This wonderful proposal provides further that if a municipality, however small, thinks that it needs an eighth of an acre for public use in some near-by farm it has the right to condemn and take it, not only the part that is needed, but the owner's whole farm of five hundred acres of which the one-eighth of an acre is part. What for? may be inquired. Why, to subdivide and sell out in lots for mere speculative purposes.

This proposal gives every little village and city in the state the right to buy in, or to condemn if it can not buy, any and all public utilities inside its limits and issue bonds to pay for the same. For example, they can buy or build street-car lines, electric-light plants, gas plants and any other public utility that can be thought of, and extend them out into the country beyond the corporate limits and operate them. We are to have "no pent-up Uticas" in this great state of Ohio, and if there shall be in ten years a single village or city in the state that will not be absolutely bankrupt it will be because it will not be able to sell the bonds.

If the committee who framed up this measure had set themselves deliberately to work to propose the worst and most vicious form of municipal government in the world they couldn't have succeeded better; and hence I insist that if this measure is to be submitted in its present form that the title at least should be changed so as not to deceive the people, but at least give them a gentle hint as to its true character.

When all the money in the state is invested in the bonds issued to buy all these public utilities we will then have single tax without mistake. The bonds will be exempt and the utilities themselves will no longer pay any taxes. The millions now paid by them into the public treasury will be no longer available; consequently there will be but little left except real estate to pay taxes on. We are launching our municipal bark on an unknown sea without the rudder of common sense to guide it, and for one I protest.

Mr. DOTY: It is the old story. The member from Harrison county can tell us how to run cities better than we know ourselves. Here is a sample of it and a more absurd proposition has not been put up before us, and I move that it be tabled.

The motion to table was carried.

Mr. KNIGHT: I offer an amendment.

The amendment was read as follows:

In line 43 strike out the words "city or village" and insert in lieu thereof the word "municipality".

Mr. KNIGHT: That makes it conform with the rest of the section.

The amendment was agreed to.

Mr. LAMPSON: I offer an amendment.

The amendment was read as follows:

In line 19 strike out the word "acquire".

In line 22 strike out all after the period and strike out all of lines 23, 24, 25 and 26.

In line 22 after the period add:

"Any municipality in which the major part of the property of any public utility is situated, may acquire the use of, and full title to, the franchises and property of such public utility by condemnation or otherwise; provided that any municipality determining to construct any public utility shall provide against the waste of competition, by first acquiring by condemnation or otherwise, the property of any existing public utility used and useful for the convenience of the public in furnishing a like service in such municipality and operating under a license, permit or franchise for a period of five years prior to such determination, paying therefor just compensation only."

Mr. LAMPSON: I think if municipalities are to go into the business generally of incorporating public utilities, it is only right that they should be fair to their own citizens who have heretofore been granted franchises and under those grants have built up public utilities through which they have been serving the people.

The home rule proposal gives municipalities complete authority to engage in any business "the service or product of which is supplied to the municipality or its inhabitants." They may do this either by operating a new plant or by the acquirement of any existing property and franchises of any private citizen or company, either by condemnation or otherwise. This grant of power is fundamental and can never be abrogated, restricted or regulated by legislative act.

Under this grant of power the municipality may establish for itself an absolute and complete monopoly in such lines of business as it chooses to engage in which are within the meaning of this proposal.

It is generally agreed that competition in what are generally known as public utilities is a wasteful duplication of investment and must result in economic loss. If such competition exists between two private companies this loss falls on individuals, but if the municipality is one of the parties to the competition the loss suffered must fall on the general public. Therefore, given the power to create a monopoly for itself, the municipality should be restrained from engaging in any competition which would result in loss to the entire community without permanently benefiting any part of the people.

Public utilities under private ownership pay general taxes on their property. They also pay an excise tax, which is an important item in the revenues of the state government. Public utilities under municipal ownership are exempt from taxation. Competition under such conditions is morally wrong and most unfair. It is morally wrong because it confers a special privilege on the users of the municipal service at the expense of the users of the private service and of nonusers.

Whenever private property is required for public purposes the government may condemn such private property and take it for its own use, but the government must pay to the owner just compensation for the property taken, together with such damages as are sustained through such condemnation. In all such cases the jus-

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tice of the compensation is determined by the value of the property before it has been damaged or depreciated. For example, a municipality condemning private property for a garbage plant would be required to pay the value of the property before the plant was built. It would not be permitted to depreciate the value of the property by locating the nuisance upon it and then buy it at its depreciated value.

The people of Ohio are not ready understandingly to depart from this established rule, which merely recognizes the right of the individual to be protected in the enjoyment of his private property. No member of the Convention would tolerate a law which would permit a railroad to run its tracks through his property and assess the damage on the value of the property after the damage has been done; nor would they tolerate a law which would permit officials of the government to depreciate the value of their homes or their business in order to buy them at the depreciated value; yet that is exactly what is done if the officials temporarily in charge of the government are permitted to engage in unrestricted competition with a private business which they may at any time condemn and take over.

Given the right to condemn at any time any private business, at a valuation fixed by a body of its own citizens, and with the further right to authorize private competition whenever competition appears to be desirable, it is impossible to conceive a situation wherein a municipality should be permitted to engage in competition.

Mr. MOORE: When the Standard Oil Company competed the general oil dealers throughout the country out of business and when the Steel Trust competed all other people in the steel and iron business out of business—

Mr. LAMPSON: They did a gross injustice for which the public has condemned them, and it is just as much a matter for condemnation for a municipality to follow in their tracks perpetrating a like injustice.

Mr. ANDERSON: If your amendment were to carry would it in any way curtail or diminish the right of the municipalities to have home rule in the fullest sense, except they would have to condemn and take over at the time when any competition is had.

Mr. LAMPSON: That is right. It does not contract their power; it enlarges it. But it allows them to do justice to those individuals and corporations to which, under existing conditions, they have granted franchises.

Mr. FACKLER: Is it not a fact that if it were to prevail in as large a city as Cleveland that the city could not engage in the lighting business by reason of the fact that it would be unable to issue bonds, on account of the limitation of the general law, in sufficient amount to acquire the existing property?

Mr. LAMPSON: That does not affect the principle involved. The fact that there is such a condition in some particular municipality does not affect the principle, and we should not make fundamental laws for all the municipalities dependent simply upon local conditions.

Mr. FACKLER: Would you support an amendment that bonds be issued for the purpose of constructing or acquiring or keeping a public utility should not be

considered in the computation of the general bonded debt?

Mr. LAMPSON: That is something that I have not thought of. I would want to study it a little before answering.

Mr. DOTY: The argument of the member prepared and so well delivered is composed of two or three sections. The first section was a general onslaught on municipal ownership.

Mr. LAMPSON: I deny that. There was no such purpose.

Mr. DOTY: That is the impression I got. But be that as it may, as they say in the story books, we come to another section which undertakes to criticize this proposal because it may produce a fear of a certain situation in the city. Now there is some force in that, but the amendment the member offers is not the proper solution. What the member proposes to do is not to compel the city to appropriate the funds to go into the business itself, but he proposes that the city shall be compelled, if it desires to go into the business to furnish certain service, to purchase the plant, if there be such a plant, in that city before it can go into the business at all.

Mr. LAMPSON: Would it not be much better for the city to do that than to ruin one property, competent to do business, to build up another by taxing the people? Would it not be better to take the property, competent to do the business, than to duplicate it by taxing the whole people?

Mr. DOTY: It would be, provided you were sure you were getting a modern equipment instead of junk.

Mr. LAMPSON: Can you not trust the people to attend to the matter properly?

Mr. DOTY: It is not a matter of trusting. It is a matter of starting a new business with an old junk pile. Let me tell you another thing. If two people go into competition they go in on a competitive basis and one has the same show as any other one. The city of Columbus tomorrow can allow competition in the electric light business in this city.

Mr. LAMPSON: Do you think it is just to tax me, who own a franchise issued by the city of Columbus and have built up a property to serve the city of Columbus, to build a competing property?

Mr. DOTY: I do not know whether it would be fair or not. It is according to how you behave yourself.

Mr. DWYER: Gentlemen, remember there are a hundred and nineteen members who have intelligence—

Mr. DOTY: I don't get more than started when some one pops in with a question. Now I want to be let alone for a minute or so at least. This amendment will preclude the municipality from standing upon the same footing as a private party in competition. The city of Cleveland allows a competitive company to come in and compete with any other company already there for public service. And now what happens? One company eats the other up. Nobody commiserates about the one eaten up, whether it was fair or not. You allow private people to do it now, and you want to cut off that right so far as a municipality is concerned.

Mr. HOSKINS: Speaking of one company eating another company up, is it not a fact that when a rival company is authorized to do business it has no right

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of condemnation, but if the city goes into the business it has that right?

Mr. DOTY: If this amendment goes through, that is the only way it can get into business.

Mr. HOSKINS: Is it not a fact that when you come to the question of condemnation the price fixed on the junk won't amount to anything?

Mr. DOTY: What good is that junk in furnishing a high-class service?

Mr. HOSKINS: You do not contend that public utilities are not worth anything and that the price would be fixed by the jury depending upon the condition of the property?

Mr. DOTY: The property in smaller cities is a property depreciated because of the lack of care, and then you want to compel the municipality to come in and buy that whether or not; whereas it could go out and by the expenditure of the same money get higher efficiency.

Mr. HOSKINS: Would not the price be fixed according to the present condition of the property?

Mr. DOTY: Yes, but you buy a lot of junk that you don't need.

Mr. BROWN, of Highland: According to the utility commission, the railroads of the city of Cleveland pay \$309,000 excise taxes and the electric light companies of Cleveland and Cincinnati pay as excise taxes \$149,000, making \$460,000 yearly. Suppose the municipalities under this law take over those utilities and they naturally avoid the payment of all those taxes in the shape of excises to the state. Now where are those excise taxes to be made up? Would they not have to go on the general property?

Mr. DOTY: Yes, if the state doesn't find other sources to tax, and they have been very successful in the last year in doing that. This question suggests one plan of securing municipal ownership in this state, and you are trying to get the farmer vote against it on the idea that they will have to pay fifteen cents more taxes. You are simply trying to scare the farmers.

Mr. BROWN, of Highland: Is that a scare or is it a fact?

Mr. DOTY: It is not so bad as you try to make it. You stand up and try to make it look bad, but it is not. It wouldn't make a difference of fifteen cents on Mr. Cunningham's tax bill.

Mr. LAMPSON: In connection with the question that you asked me some time ago, does section 3990 of the General Code make it mandatory to take over gas and electric plants before the city can go into the business of serving gas and electric lights to the public?

Mr. DOTY: I leave that to you.

Mr. LAMPSON: Well, does it?

Mr. DOTY: I am not denying it. Get up and ask whether something is in the Code and then read it and then you want me to tell you from memory what is in the Code! Why, I never read the Code but once in my life. I am not concerned about it, only I do not want the city of Cleveland or any other city to have less power or right to compete than you give a private person, and your amendment is framed to do that thing.

Now, coming back to the proposition whether it is fair or not to allow the cities to first say they want to condemn. Here is an electric-light plant worth \$5,000,-

000 to the city. The city simply goes into competition, and when they have the thing halfway beaten down they condemn it and get it for \$2,500,000. Now that is not fair. If any one can frame an amendment that will correct that I shall be glad to have it. I have not been able to do it, but there may be others who can do it. This particular amendment is not designed to do that; that is not what it is for. This amendment is designed to prevent the cities of this state from having the same right that you or I have to go into competition. That it may do the other too, is also true, and I think that the other should not be done.

Mr. WATSON: I move that the member's time be extended another fifteen or twenty minutes.

Mr. HARRIS, of Hamilton: Gentlemen of the Convention: I am familiar with the amendment proposed by the gentleman from Ashtabula [Mr. LAMPSON], because it was submitted to me by a representative of the public service corporations of the state, the president of the Cleveland Illuminating Company. I wish to state that the proposed amendment takes out the lifeblood of your home-rule proposal. You cannot escape from that, whether you wish to change your position or not. On April 30 we discussed these same principles and by almost a unanimous vote laid upon the table amendment after amendment after a discussion of each of them. Then the proposal was adopted by the Convention, one hundred and four in favor and six against. Gentlemen, there is not a single condition that has been changed since April 30 except that the fine Italian hand of the public service corporation has made its appearance. You all know that the fundamental theory of our home-rule proposal is the privilege given to the municipalities to acquire by purchase, construction or lease public utilities in cities and villages. That is the lifeblood of the proposal. Whatever you do, directly or indirectly, to interfere with the flow of that lifeblood, you do deliberately now and with the knowledge that it will seriously cripple the home-rule proposal. I ask you in all honesty and in all sincerity, in the month since this proposal has been passed and since it was discussed by every newspaper in the state of Ohio, how many of you have seen in any newspaper of any size or any standing in the state aught but words of highest praise for practically every section in that proposal?

Mr. LAMPSON: Will the gentleman yield for a question?

Mr. HARRIS, of Hamilton: Not at present, but later on I will. Now you are asked to stultify yourselves, because it is or would be stultification and betrayal of the interests that sent you here and commended you so highly for the adoption of the home-rule proposal in the form it passed on April 30 last—and now you are asked to betray that confidence. Stop and consider a minute. I am in a position to give you a concrete illustration. In the city of Cincinnati a couple of years ago we had a magnificent plant for manufacturing artificial gas. Stock was issued against that plant and its connections. The electrical plant had its conduits through the streets and it was capitalized in the neighborhood of \$30,000,000 and five per cent has been regularly paid; in fact, if my memory is not at fault, the five per cent has been paid the stockholders of the Cincinnati Gas Light Company without interruption for fifty years.

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Here was an artificial gas plant capitalized at \$30,000,000, paying interest to the stockholders at five per cent per annum in a city of four hundred thousand people. The demand for natural gas became so great that the officials of the Cincinnati Gas Company were compelled by force of public opinion to make arrangements to deliver natural gas to the people of Cincinnati, and natural gas has been delivered to the people of Cincinnati for three years. The artificial plant has been thrown aside and the same amount of dividends is yet being paid by the Cincinnati Gas Light Company to its stockholders. This amendment makes it impossible for Cincinnati or even any small city in the state to acquire a plant unless it purchases the existing plant. Imagine the conditions where the city desired to acquire such a plant. At an expense, say of \$10,000,000, the city of Cincinnati would have made the same contract with the owners of the gas wells in West Virginia that the Cincinnati Gas Light Company did at an expense of \$10,000,000. It might have erected a plant and would have delivered natural gas to the people of Cincinnati at a cost based on a fair percentage of capital invested.

Mr. DWYER: Do you know that Toledo and Urbana had some experience with the natural gas question?

Mr. HARRIS, of Hamilton: Yes. In several cities, among them those you have named, by bad management practical bankruptcy has faced that part of the investment, but this Convention is not the guardian or the financial agent of the municipalities. We say to the people of Ohio, we give you power and if you abuse it you will be the sufferers, but you are not infants in swaddling clothes.

Mr. LAMPSON: Do you think it is exactly fair to tax all of the people of Cincinnati to go into the business which will drive out a rival business, and take the tax which that rival business has been paying not only from Cincinnati but from the whole state?

Mr. HARRIS, of Hamilton: Your question is misleading. The object of this home-rule proposal is not to do that which you say. By your question you reflect on the honesty and integrity of your fellow citizens. What would be the natural proceeding if Columbus, Coshocton, Youngstown, Delaware or Cincinnati wanted to acquire property of a private utility? It would be to condemn that property and pay the owners for it at a price fixed by twelve of their fellow citizens. It does not contemplate, and only a diseased mind can so believe, that the people of the villages or of the cities of the state will deliberately be so mean and so wicked and so immoral as to build a plant in competition, if there be one already of such a character and of such modern construction as will satisfy the needs of the community. You start out with the assumption that all of the people living in the villages and in the state of Ohio are immoral.

Mr. LAMPSON: I do not say any such thing at all. On the contrary, I propose that they shall be moral and fair.

Mr. HARRIS, of Hamilton: You are going to be the sole judge of morality of men in the state of Ohio?

Mr. LAMPSON: They will be the judges themselves. They will have the power to judge.

Mr. HARRIS, of Hamilton: I say to you what I have said before on the floor of this Convention in an-

swer to the member from Allen [Mr. HALFHILL], and that is that historians have noticed and commented on the remarkable fact that the average sense of any community is far more moral than the sense of the individuals, and you may safely entrust the moral sense of the community of people with whom you have associated and of people with whom you have been reared as neighbors—you may safely trust to that high sense of moral conduct the question of determining how they will proceed to acquire their public utilities.

Mr. LAMPSON: Do the federal constitution and the state constitution proceed upon that basis when they protect the rights of the individual to obtain property?

Mr. HOSKINS: A point of order. Are we not debating this proposition under the five-minute rule?

The PRESIDENT: Yes, and the gentleman's time is up.

Mr. WATSON: I move to recess until two o'clock p. m.

The motion was carried.

AFTERNOON SESSION.

The Convention was called to order by the president.

The PRESIDENT: Mr. Harris, of Hamilton, has the floor.

Mr. WATSON: A point of order. The gentleman had already spoken fifteen minutes before we adjourned.

The PRESIDENT: The member from Hamilton [Mr. HARRIS] has the floor.

Mr. HARRIS, of Hamilton: It is but proper and just to say that the committee on Municipal Government considered this very question now before the Convention, and the committee, consisting of Judge Worthington, Mr. Knight, Mr. Rockel and myself, had that very question before us and gave it our most serious and earnest consideration, and yet we were unable to draw up a section that would do justice to the municipality. We were unable to draw up a section that did not seem to destroy the life of the municipal home-rule proposal. If such a section can be drawn up, I would gladly support it, but the amendment proposed by the member from Ashtabula [Mr. LAMPSON] is most vicious. It will destroy the entire principle of home rule. His amendment is based on the theory that there is no public morality in a municipality. Now I wish to say that I personally own \$75,000 worth of stock of the Cincinnati Gas Company and the Construction Company. My partner in the two estates of his father and uncle, which he represents, owns a little over \$300,000 of stocks of those same public utilities, and I wish to say for myself I have so much confidence in the public morals and moralities and the integrity and good faith of the people as a whole that I am willing to risk that \$400,000 and vote against the Lampson amendment.

Mr. DWYER: Every city in this state is advertising from time to time for new factories and offering every inducement for new corporations to come in and build factories and establish utilities of different kinds. This, I think, is the experience of all of our cities. We read in flaming letters these advertisements asking people to invest their capital in the cities for the purpose of building up those cities and giving employment to its people.

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Now, when these corporations come in there they are entitled to fair play. After the inducement and encouragement offered by the citizens for those people to come in and invest their money, they are certainly entitled to fair play. Suppose under these circumstances a private utility, an electric light plant, is established by some private corporation. They put their money in there. Then in a short time the city says, "We will have our own electric light plant; we will establish one." Now then, instead of trying to buy that plant out, instead of trying to purchase it by condemnation, the city seeks to establish a rival plant. What does a rival plant mean to a private utility corporation in a city? That electric light plant is built by the city; pays no taxes, pays no excise taxes. Everything is in its favor. The private corporation is wiped out. What is that but confiscation? Is it any better than confiscation? Talk about morality! Is that morality to induce people to come in and invest their money and then wipe them out? That would be the effect of this proposition if it goes through. I say it is not fair. It does not put the private utility on a par with the public utility. Excise taxes today are very high and the public utility does not have to pay any excise taxes. How can the private plant do business in competition with such a plant, which is free from all of these conditions? I say it is not fair. It is not moral. They are talking about morality; tell us whether that is moral.

In addition to that, you establish a city plant, and my experience with city plants is that when they are established they cannot do business in a business way. I will go into a civic building, probably at nine o'clock in the morning, and there will be a man getting a salary from the people with his heels on the desk reading the paper. That is the way city plants are conducted. They are not conducted as you or I would conduct our plant. The men will not work for a city as the men will work for us. They owe no obligation to anybody but to play politics. I am not in favor of these public utility corporations conducted by the city. They cannot conduct them. I have seen in our cities the laying of a big water main through the streets. It will cost the city a lot of money. After it is finished they never go to the men on that street and solicit them to take water. If the men come to the office they will give them the water, but if I had that water main, or if you or any private company had it, and had put a great big investment in the street, we would go out to every man on the street and try to get him to take water; and we would solicit. But the men working for the city will sit in their offices, waiting for men to come and get the water. I am not in favor of this. It will be a dangerous exercise of power to give this right, and the day will come if this proposal is passed that we will regret what has been done today. As I said this forenoon the city of Toledo, in the natural gas excitement, invested \$1,000,000 to get natural gas to Toledo. I appeal to any Toledo gentleman here to tell how much the city has made out of natural gas.

Mr. ULMER: The city today would have a natural gas plant if it had not been for the Standard Oil Company, which made obstructions. That was the trouble. It was the Standard Oil Company, and the city lost its \$2,000,000.

Mr. DWYER: If the city of Toledo had the same ability as the Standard Oil Company, it would have taken care of its plant and protected it. That is the very fact I show, that the city is not competent to have a plant or it would not let the Standard Oil Company lease all around it and take it away. That is the best illustration that the city has not the ability or interest in the public welfare to watch out for its business and guard against the Standard Oil Company. The same thing happened at Urbana. There they lost \$300,000. Greenville started in the same way, and what became of that? The Standard Oil Company didn't do away with the Urbana plant, but they didn't secure a field of sufficient importance to furnish the gas. I say it is a mistake for any municipal corporation to go into these ventures. I am opposed to it because I believe it will end in evil to the people. They cannot and will not run a business as you and I or as any man or any private corporation would do it. They have not the interest in it. If our money is invested in it we are interested. We work day and night, and we study at night how the corporation shall succeed. What do they care? When their day's work is done they go home and pay no attention to it until the next day. My experience is that it is a dangerous thing to allow these propositions to go through, to authorize these corporations to go wildly into all sorts of schemes of this kind.

Mr. HARRIS, of Hamilton: Are you people aware that in section 4, line 23, there is a provision made that privately owned public utilities may be purchased by condemnation or otherwise between the buyer and seller—if they can agree upon the terms—without going through condemnation?

Mr. DWYER: I believe that should be in there. If this proposition goes through that should be in. Now, my friend Mr. Doty talks about old junk and says that the city should not be required to buy the property of private utilities corporations. He referred to that as scrap, and I don't think that is fair. If there is a private utility, it is there by virtue of a franchise from the city, and the city should give it reasonable protection by buying it out.

Mr. HARRIS, of Hamilton: That provision is in here, and I do not believe that in one case in ten thousand will a privately owned utility be treated unfairly. It certainly will not be if it has the kind of people we have in this Convention, as they have shown themselves in the last five months.

Mr. DWYER: I hope not. I believe in fair play no matter what the corporation is. Take a corporation that is so much ridiculed, and what is the corporation? It is simply a collection of men who have put their money into an investment. They are generally public business men. We may have a few odious corporations like the Standard Oil, but take the Cincinnati and Dayton corporations, and they are generally made up of public spirited men.

Mr. FITZSIMONS: Mr. President and Gentlemen of the Convention: I think my good friend Judge Dwyer is a little unfortunate in his comparison. He tells us if the city utility had exercised the same business ability as the Standard Oil Company has exercised in its career, that there would not have been any failure in its gas plant. I understood it that way. Am I right?

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Mr. DWYER: Yes.

Mr. FITZSIMONS: I am satisfied that my good old friend would be the last one to suggest the blowing up of competitors, as the Standard Oil Company did an oil company in Buffalo, N. Y., to get it out of the way. I am satisfied he is the last man who would suggest the bribing of a United States senator to get legislation through to give them advantage over their competitors. No, my friends, the people of this country want nothing in their collective capacity but absolute justice, and because they have always been supposed to be just they have always been easy marks for the schemer to plunder. You never saw the people of the state come into this senate chamber to buy legislators by the dozen for the fifty-year franchise. You have never seen people looking about for a judge to stand back of their interests as we have seen the corporations. It has gotten down to the point that when the people get a public official that deals fairly and honestly it is so unusual that they cannot crowd things on him too fast. The people do not run business to get all they can and give nothing in return. They want the right to serve themselves in their own way and in their own time and, my friends, at their own cost. No man with an ounce of fairness in his make-up should object to a proposition of that kind. There are lines of activity, my friends, that are in their very nature monopolistic. The serving of a great municipality is one of them. Now today I am paying for the services of a certain utility company in Cleveland certain figures for services rendered. I am paying ten cents a kilowatt hour for electricity to a certain amount and after that five cents for the remainder, while I know that corporation has a contract in the city of Cleveland for less than three-quarters of one cent per hour for the same service. Now, my friends, you are American citizens, you go to your post office that you have kept under your own control and you ask for a two-cent stamp and it is handed out to you with as much courtesy as if you were the largest corporation in the country and were getting a million.

Now, why should we stand for that? We have started in with the hope that there would be an introduction of a new electric light plant and that we shall be able to get electricity for three cents a kilowatt in Cleveland. We are right in the home of the machinery that makes electricity; we are the fountainhead on this continent of electric machinery and we hope to get a rate of three cents a kilowatt. Down in Montevideo, where they talk Spanish, they use Cleveland machinery and they get a rate of two cents a kilowatt hour. Why is that? They were wise enough to engage in their own business.

Mr. BROWN, of Highland: Will the gentleman permit a question?

Mr. FITZSIMONS: After a while. Now, my friends, when the last words have been said do not go to the people of Ohio and say to them that you allowed the public service corporations of this state to write your constitution. The public service corporations of Ohio have done too much active work in this hall for you to countenance them. Remember the world moves and if you are stationary you are an impediment in the way of the people. If you do not want to get the shackles off of you they will get them off of themselves without asking us. Don't go out and have it said that

it is cheaper for the corporations to buy your officials in defiance of your right than to have them deal fairly with you. That is not a story; that is history, and it has been made right in this hall, and just as long as you listen to their siren song just so long you will have the people of this great commonwealth in shackles. It is up to you. It is either the people or the corporations. Decide the proposition.

Mr. DWYER: I want to ask you a question. If you can buy electricity at three-quarters of one cent per kilowatt why take it at two cents?

Mr. FITZSIMONS: They made a contract with one person for three-quarters of one cent and they charged me ten cents up to a certain amount and then five cents for the remainder.

Mr. DWYER: Who was it that gets it for three-quarters of one cent?

Mr. FITZSIMONS: I do not feel at liberty to disclose that.

Mr. DWYER: I say that no company can make it at three-quarters of one cent.

Mr. FITZSIMONS: I don't know what it cost them to make it, but they sold it for that.

Mr. PIERCE: I move to lay the Lampson amendment on the table.

The motion was carried.

Mr. KNIGHT: The subject which is before the Convention is one—I am not going to say of the most important, but one of the most perplexing questions with which the Convention has had to deal. It is one which from the time the present speaker became a member of the committee on Municipal Government has given him more trouble in committee and privately than any other single question that has come before the body. In the first place, I believe thoroughly in municipal ownership of public utilities and I would be unwilling to cripple in any way the opportunity of the municipalities of Ohio to own and operate for the municipalities and in their behalf the public utilities. On the other hand, it is not a simple question whether from now on municipalities shall be authorized to engage and operate public utilities in our municipalities, but it involves broader and deeper questions of whether in conferring that right in such complete, unlimited way upon municipalities we can afford to do so at the expense of the individuals, some of whom at least are not open to the charge of unfair dealings. In other words, every one of these one hundred and nineteen men here desires to be fair to everybody, as the gentleman from Cuyahoga [Mr. FITZSIMONS] said a minute ago.

Now, between the proposition that we just voted down and laid upon the table, and I think wisely, and the one which is embodied in the present proposal, there is a wide difference, not only a difference but a distance between the two. The proposal as it now stands—frankly, it does and we cannot blink the fact—it does subject the property of existing private corporations operating public utilities under a franchise granted by a municipality to what in the last analysis may amount to a confiscation of their property by the destruction of its value through the operation of the municipally operated plant. Now, a number of the members of the committee, as stated by our worthy chairman a moment since, felt that all through, from beginning to end, and we believed that

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the proposal as it now stands is unfair; and because we could not see any way to be fair, the proposal is here. I do not myself despair of the wisdom of leaving full and complete power in the hands of the municipalities without at the same time clothing them with power to destroy private property. I am not satisfied that the brains and intelligence of this Convention have been exhausted in the effort to accomplish what we all want to accomplish, complete fairness to everybody, without tying the hands of a single municipality and without on the other hand subjecting a fairly well operated private property to improper treatment. It seems that we ought to be able to find a method by which the competition, amounting to destruction or confiscation, can be avoided, for that is what it comes to in the last analysis, and that can be avoided without in any wise tying the hands of Cleveland or any other city of the state. It seems to me that possibly a road to it may be suggested, and I hope that the Convention will not be bound to apply the whip of the previous question necessarily this afternoon. I believe we can get a proposition here which will satisfy everybody in the state, a proposition that nobody can say has been dictated by any private public utility corporation. It seems to me there is a possible plan by which we can work our way out to put an alternative to the municipality of electing either to compete with the private corporation or to condemn the private corporation; but, having elected to compete, it may not subject and condemn the property of the private corporation after it has deteriorated that property by competition. If a municipality decides to compete, it should stand by that decision until after the expiration of the existing franchise. It seems to me there is a possibility along that road of being fair to everybody.

Mr. MOORE: May I ask a question?

Mr. KNIGHT: Yes.

Mr. MOORE: In the matter of confiscation—if you compete and drive them out of business that is confiscation?

Mr. KNIGHT: To a certain extent. It lessens the value of their franchise.

Mr. MOORE: If you take their property and pay them in bonds and take all of the property in the state, those bonds will be deteriorated in value and you have partially confiscated their value?

Mr. KNIGHT: I cannot see that.

Mr. MOORE: If you pay them in money which they cannot invest in public service corporations haven't you confiscated their property?

Mr. KNIGHT: If that is the only thing that they can invest in, but it is not.

Mr. BROWN, of Highland: Suppose the municipalities are given the right to take over utilities that are paying excise taxes for school purposes a certain amount of money; would it not be just to require the municipality to run their own schools to the extent that they have reduced taxes by removing the excises?

Mr. KNIGHT: It has been suggested by several during the noon recess, that where a municipality engages in the operation of a public utility and in competition with the preexisting private corporation having a franchise in any city and paying franchise and property taxes within the municipality, it might be equitable that the municipality, not being subject to taxation on its

plant, should pay thereafter a fraction of one-half of the municipality taxes upon the physical plant of that corporation.

Mr. BROWN, of Highland: If that is done it would remove much of the objection to the proposal.

Mr. KNIGHT: As far as I am concerned, if that line is worked out it should satisfy everybody here. Competition between a municipal utility and a private corporation operating such utility is not the same as two private corporations operating utilities, for both private corporations are subject to taxation and contributing to all the expenses of the municipality, and neither one is being taxed to put the other in better position, whereas when the competition is between a municipally operated plant and a privately operated plant the latter is being taxed and the proceeds go into the treasury to help its competitor put it out of business.

Mr. MOORE: Would it not be more equitable to exempt the property of municipal corporations from municipal taxes—

Mr. KNIGHT: Of the private corporation?

Mr. MOORE: Of the municipal corporations, the municipal light or water plants, to exempt from municipal taxes and let them pay state, county or other taxes?

Mr. KNIGHT: What do you mean? Do you mean to exempt private corporations from municipal taxes?

Mr. MOORE: No; exempt the public municipal corporations, whether light or street railway company, exempt them from municipal taxes.

Mr. KNIGHT: The city doesn't tax its own property.

Mr. MOORE: Should not they pay state and county taxes?

Mr. KNIGHT: They do not. They are not required to. They pay no public taxes whatever, and the point is that the private utility has to pay the taxes and it has to pay taxes to help its rival. The private utility pays taxes to enable the public utility to operate in competition with it.

Mr. SMITH, of Hamilton: You understand that there is no harm in this proposal in the matter of which you speak as far as future public utilities are concerned?

Mr. KNIGHT: I understand that.

Mr. SMITH, of Hamilton: If I understand it, a public utility may enter into an agreement with the cities for a number of years.

Mr. KNIGHT: There seems to be some doubt on that, but it is not important.

Mr. SMITH, of Hamilton: The only difference is with the present public utilities.

Mr. KNIGHT: Yes.

Mr. SMITH, of Hamilton: Is it not a fact that all over the country the publicly and privately owned public utilities are in competition?

Mr. KNIGHT: Not necessarily. The state of Wisconsin, regarded as one of the most progressive states on that subject, provides distinctly against that very thing, and that the municipality shall acquire the public utility operated by a private corporation before it goes into the business.

Mr. FESS: I think it is pretty generally conceded that something ought to go in the proposal that is not there, and yet at the same time nobody seems to have a well-defined notion of what ought to go in. I under-

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stood Mr. Harris, of Hamilton, to say that this thing was battled over in the committee, and I take it that Mr. Knight is speaking along the same lines, but there is nothing specific before the Convention to clear this matter up and it is killing time. If it is the will of the Convention that something should go in, it seems to me that this matter should be put in the hands of a committee to be reported back or acted upon now. We are killing time. One or the other of these courses should be adopted, and in order to bring it to a test I call for the previous question.

The main question was ordered.

The PRESIDENT: The question is, "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 99, nays 14, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Hamilton,	Okey,
Antrim,	Harter, Huron,	Partington,
Baum,	Harter, Stark,	Peck,
Beatty, Morrow,	Henderson,	Peters,
Beatty, Wood,	Hoffman,	Pettit,
Beyer,	Holtz,	Pierce,
Bowdle,	Hoskins,	Price,
Cassidy,	Hursh,	Read,
Cody,	Johnson, Madison,	Redington,
Colton,	Johnson, Williams,	Riley,
Cordes,	Jones,	Rockel,
Crites,	Kehoe,	Roehm,
Crosser,	Keller,	Rorick,
Davio,	Kerr,	Shaffer,
Donahey,	Kilpatrick,	Shaw,
Doty,	Knight,	Smith, Geauga,
Dunlap,	Kramer,	Smith, Hamilton,
Dunn,	Kunkel,	Stamm,
Earnhart,	Lambert,	Stevens,
Elson,	Lampson,	Stilwell,
Evans,	Leete,	Stokes,
Fackler,	Leslie,	Tannehill,
Farnsworth,	Longstreth,	Tetlow,
Farrell,	Ludey,	Thomas,
Fess,	Malin,	Ulmer,
FitzSimons,	Marriott,	Wagner,
Fluke,	Marshall,	Walker,
Fox,	Mauck,	Watson,
Hahn,	Miller, Crawford,	Weybrecht,
Halenkamp,	Miller, Fairfield,	Winn,
Halfhill,	Miller, Ottawa,	Wise,
Harbarger,	Moore,	Woods,
Harris, Ashtabula,	Nye,	Mr. President.

Those who voted in the negative are:

Brattain,	Cunningham,	Solether,
Brown, Highland,	Dwyer,	Stalter,
Brown, Pike,	King,	Stewart,
Campbell,	Matthews,	Taggart,
Collett,	Norris,	

So the proposal passed as follows:

Proposal No. 272—Mr. FitzSimons, to submit an amendment to the constitution by adding article XVIII.—Municipal home rule.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal to amend the constitution shall be submitted to the electors to read as follows:

ARTICLE XVIII.

Municipal Corporations.

SEC. 1. Municipal corporations are hereby classified into cities and villages. All such corporations having a population of five thousand or

over shall be cities; all others shall be villages. The method of transition from one class to the other shall be regulated by law.

SEC. 2. The general assembly shall, by general laws, provide for the incorporation and government of cities and villages; and it may also pass additional laws for the government of municipalities adopting the same; but no such additional law shall become operative in any municipality until it shall have been submitted to the electors thereof, and affirmed by a majority of those voting thereon, under regulations to be established by law.

SEC. 3. Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.

SEC. 4. Any municipality may acquire, construct, own, lease and operate within or without its corporate limits, any public utility the product or service of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service. The acquisition of any such public utility may be by condemnation or otherwise, and a municipality may acquire thereby the use of it, or full title to, the property and franchise of any company or person supplying to the municipality or its inhabitants the service or product of any such utility.

SEC. 5. Any municipality proceeding to acquire, construct, own, lease or operate a public utility, or to contract with any person or company therefor, shall act by ordinance and no such ordinance shall take effect until after thirty days from its passage. If within said thirty days a petition signed by ten per centum of the electors of the municipality shall be filed with the executive authority thereof demanding a referendum on such ordinance it shall not take effect until submitted to the electors and approved by a majority of those voting thereon. The submission of any such question shall be governed by all the provisions of section 8 of this article as to the submission of the question of choosing a charter commission.

SEC. 6. Any municipality, owning or operating a public utility for the purpose of supplying the service or product thereof to the municipality or its inhabitants, may also sell and deliver to others any transportation service of such utility and the surplus product of any other utility in an amount not exceeding in either case fifty per centum of the total service or product supplied by such utility within the municipality.

SEC. 7. Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government.

SEC. 8. The legislative authority of any city or village may by a two-thirds vote of its members, and upon petition of ten per centum of the electors shall forthwith, provide by ordinance for the submission to the electors, of the question, "Shall a

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commission be chosen to frame a charter". The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the municipality at large of fifteen electors who shall constitute a commission to frame a charter; provided that a majority of the electors voting on such question shall have voted in the affirmative. Any charter so framed shall be submitted to the electors of the municipality at an election to be held at a time fixed by the charter commission and within one year from the date of its election, provision for which shall be made by the legislative authority of the municipality in so far as not prescribed by general law. Not less than thirty days prior to such election the clerk of the municipality shall mail a copy of the proposed charter to each elector whose name appears upon the poll or registration books of the last regular or general election held there. If such proposed charter is approved by a majority of the electors voting thereon it shall become the charter of such municipality at the time fixed therein.

SEC. 9. Amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and, upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors shall be governed by the requirements of section 8 as to the submission of the question of choosing a charter commission; and copies of proposed amendments shall be mailed to the electors as hereinbefore provided for copies of a proposed charter. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter of the municipality. A copy of said charter or any amendment thereto shall be certified to the secretary of state, within thirty days after adoption by a referendum vote.

SEC. 10. A municipality appropriating or otherwise acquiring property for public use may in furtherance of such public use appropriate or acquire an excess over that actually to be occupied by the improvement, and may sell such excess with such restrictions as shall be appropriate to preserve the improvement made. Bonds may be issued to supply the funds in whole or in part to pay for the excess property so appropriated or otherwise acquired, but said bonds shall be a lien only against the property so acquired for the improvement and excess, and they shall not be a liability of the municipality nor be included in any limi-

tation of the bonded indebtedness of such municipality prescribed by law.

SEC. 11. Any municipality appropriating private property for a public improvement may provide money therefor in part by assessments upon benefited property not in excess of the special benefits conferred upon such property by the improvements. Said assessments, however, upon all the abutting, adjacent, and other property in the district benefited, shall in no case be levied for more than fifty per centum of the cost of such appropriation.

SEC. 12. Any municipality which acquires, constructs or extends any public utility and desires to raise money for such purposes may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law; provided that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such municipality but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure.

SEC. 13. The general assembly shall have authority to limit the power of municipalities to levy taxes and incur debts for local purposes, and may require reports from municipalities as to their financial condition and transactions, in such form as may be provided by law, and may provide for the examination of the vouchers, books and accounts of all municipal authorities, or of public undertakings conducted by such authorities.

SEC. 14. All elections and submissions of questions provided for in this article shall be conducted by the election authorities prescribed by general law. The percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding general municipal election.

Mr. CASSIDY: In the proposal just adopted there are places where it reads "the general assembly may pass laws—" Following the precedence of this morning I move that the committee on Arrangement and Phraseology be directed to correct Proposal No. 272 as follows:

In line 10 strike out the words "The general assembly shall, by general laws," and in lieu thereof insert: "General laws shall be passed to".

In lines 11 and 12 strike out the words "and it may also pass additional laws" and in lieu thereof insert: "and additional laws may also be passed".

In line 106 strike out the words "The general assembly shall have authority" and in lieu thereof insert "Laws may be passed".

The motion was carried.

Mr. DOTY: I move that the vote by which Proposal No. 272 was adopted be reconsidered and I move that that motion be laid on the table.

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The motion was carried.

The proposal was referred to the committee on Arrangement and Phraseology.

The PRESIDENT: Proposal No. 334 — Mr. Jones. The proposal was read the third time.

Mr. JONES: This proposal was pretty thoroughly discussed on second reading. If any objection has developed since that time I have not heard of it. The proposal has been slightly changed in its arrangement by the committee on Phraseology, much to its improvement I think, and I do not believe that it is necessary or desirable that anything further should be said with reference to the proposal, unless some objection should develop to it upon this reading or some amendment should be offered that would materially change it.

Mr. ELSON: I have heard that this process is expensive; how is that?

Mr. JONES: The experience in those jurisdictions where it has been adopted is that about \$25 covers the cost of registering the title. After the title is registered, the cost of the transfers are merely nominal, averaging from two dollars to three dollars — not as much as the ordinary deed.

Mr. NYE: I am opposed to this proposal and I do not desire that this Convention shall vote on it not knowing something about it. We had a law passed in this state in 1896, found in volume 92 of our laws, and that law was declared unconstitutional. The fact that it was declared unconstitutional would cut no figure in this discussion. But I want to say to you in my judgment it is a very expensive process. We have today much easier methods of transferring property. It is a way provided by our statutes and is known to almost every business man. If you want to sell your property there is a way of making your deed. The law which was passed and which was the usual form of law for the Torrens system contains in this volume forty-two pages. I have upon my desk also the law passed in the state of Massachusetts, which contains forty-one pages. It is a very complicated system. In order to have your titles registered you have to first file a petition. It has been said upon this floor that you do not have to have an attorney to carry it through court. It has to go through court and be passed upon by the court, and has to be registered by the court and a certificate issued before it can be recorded. The gentleman has said in favor of the proposal that it will only cost about \$25 to first register the title. If an attorney would take a case like this through court for less than a twenty-five-dollar fee it would be very cheap in my judgment. I had occasion to go down to the Ohio State Journal and I asked what it cost to publish the notice that is required to be published by this act and the very similar act of Massachusetts, and they said it would cost between ten dollars and twelve dollars. That is the second step in this process, and that price is without any description of the land.

Mr. JONES: Will the gentleman yield to a question?

Mr. NYE: I would rather not at the present time. I will later. You have to pay into the treasury of your county one-tenth of one per cent of the value of the property. The minimum fee as fixed here by this act is a little over nine dollars. Now I am giving you a simple case. If you have your title registered you must

have an abstract. That you can get at any time in the state of Ohio, and it is perfectly good to convey your title. Then if there is any complication about it the court refers it to a referee, and that referee is entitled to fees. If you have more than one piece of land you have to go through the process of having that title examined, and each particular piece has to be examined. In my judgment, gentlemen, it will be a process that will cost the people of this state millions of dollars to have their titles registered, if it is done.

But it is said that it is optional. True, it may be, but if it is optional, if it is adopted in any county, every man who has a piece of land that he wants to sell will be required by the purchaser to have it registered at whatever the cost may be. It is said that this works well in Illinois. I have a letter from the secretary of state of Illinois which says that Cook county is the only county in the state that has ever adopted it, and I assume that the reason why they have adopted it there was because they had a fire there some years ago that destroyed their property and burned up their records and they had to have their titles settled that way. It is a good thing there. But what do we want with it when we have something that is perfectly good and all we have to do to convey our titles is to get an abstract? Much of the land in Ohio has been in the hands of one family for a hundred years, and you don't need to have those titles registered and pay these expensive fees.

I do not wish to extend the argument, but in my judgment it is an expensive, complicated way of registering your titles and conveying your land, I do not want you to vote for it without having your eyes open.

Mr. KRAMER: Just a word — first, with reference to what Mr. Nye says. I believe if this system is adopted it will be almost compulsory for every man to have every piece of property he owns placed under this system because the purchasers will not buy without it.

Mr. JONES: Why?

Mr. KRAMER: Because it is a good thing.

Mr. DOTY: Agreed.

Mr. KRAMER: Now let me show you about the good thing. I have an idea that there are nine hundred and ninety-nine titles in Ohio good to every one that is bad. But all of those nine hundred and ninety-nine good titles will be compelled to pay from \$35 to \$50 to get this certificate, just as well as a man who has a poor title. The purchaser will demand it. Let me tell you about the condition of Richland county. There is not one man in a hundred in Richland county that requires an abstract. He does not demand it. He comes in and says, "I would like to know about the title of that piece of ground and how much will it cost me?" "Two dollars if I have to go back twenty-one years, and if you want an abstract \$10 to \$25, depending upon the number of transfers." There is not one man in a hundred that demands an abstract. We haven't had any trouble in Richland county. There is not one suit in a hundred that is brought to quiet titles.

What is the use of passing this? Is there any great demand for it? Is there any great discord in our titles in the state of Ohio that every man, whether he owns a lot worth \$100 or whether he owns property worth \$10,000, must be forced to go into court and get a certificate at say from \$25 to \$50 under that system? There

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is no demand. The people are not asking for it. Does any attorney claim, as some people in this Convention are asserting, that it will cost you just as much to get an attorney to trace it back to the time the certificate was obtained as it will to get a title traced back twenty-one years to ascertain whether the title is good that far?

Mr. JONES: Does the gentleman mean to say that merely tracing the title back twenty-one years establishes it as good?

Mr. KRAMER: No, sir, and neither does the fact that you get a certificate say that the title is good. It just means that in the opinion of the court it is a good title.

Mr. JONES: But after the court finds it is good that judgment is conclusive and, therefore, you never have to examine back of that again. All that you have to do is just to go back to where the title was registered.

Mr. KRAMER: Sure.

Mr. JONES: Is not that preferable to running back twenty-four years, if that will determine the title is good; and do you not know as a lawyer that you do not have to run back only twenty-one years but for the whole history of the title?

Mr. KRAMER: I do not know that. I know if there is any cloud on the title twenty-one years will make it good. There is very little difference. In the one case the law says it is good and in the other the court says it is good. The only question is whether the people want to pay \$25 or \$50 or whether it is necessary to do it. I believe the property owner would rather pay \$2 to have his title examined.

Mr. JONES: A further question: Is it not true that this item of expense for advertising and other expenses of registering the title only arise in those exceptional cases where there is a controversy about the title, where somebody with an adverse claim has to be notified?

Mr. KRAMER: They all have to be advertised.

Mr. JONES: Not necessarily, unless the referee upon examination finds some apparent defects where there might be adverse claimants; then those claimants, if not residents, are notified by publication. If residents, they are notified by summons.

Mr. KRAMER: You have to have constructive service, and if you are going to go to all of that trouble it means you have to have an abstract of title before you can get it quieted by the court, and the abstract will cost you as much in the one case as in the other and every owner of property will be paying from \$25 to \$50.

Mr. JONES: Why do you have to have an abstract if the court is satisfied by a simple examination?

Mr. KRAMER: How do you know that there are no defects if you do not have an abstract?

Mr. JONES: But if this matter is referred to a referee, would it necessarily follow that the referee should have an abstract?

Mr. KRAMER: Sure.

Mr. JONES: Will the expense of the referee for the examination be more if ordered by the court than if by an individual?

Mr. KRAMER: It makes no difference how this title is examined, somebody must examine it.

Mr. JONES: And the court may examine it and will fix the fee for the examination.

Mr. KRAMER: How do you ascertain that there are no defects if there is not an examination?

Mr. JONES: Certainly it will have to be examined either by abstract or, if it is thought desirable, the referee might make an examination.

Mr. LEETE: This may be a good thing in the large cities and in those counties where land is worth \$100 an acre, but in a large number of the counties down along the Ohio river, where land is worth only \$4 or \$5 an acre, and there are a great many small farms of five or ten acres, this system would be very burdensome and I think it would be a mistake to impose this system on that part of the state. I am therefore against it.

Mr. RORICK: Do you understand that everybody will have to resort to this system if it is adopted?

Mr. LEETE: It will work out that way.

Mr. RORICK: They don't have to do so unless they want to do so.

Mr. STEVENS: I want to sound a warning. Line number 6 will put the state in the insurance business. Then another warning from the gentleman from Defiance, which is, if this is passed, there never will be another title insurance company organized in the state of Ohio as long as that stands.

Mr. PETTIT: The more I hear this proposal discussed the less I think of it, and I am like the gentleman from Richland [Mr. KRAMER]. They may say you do not have to do it, but whenever you get up a dual system and one is recognized as better than the other that will be adopted. I think that is the logic of this thing, so that it resolves itself down to this proposition: If it becomes necessary to have the title established by this proposal, it will have to become general. Whenever you talk about referees, lawyers know what the cost of referees is. A referee may be engaged a day or two days, and if he says to the court I was engaged so many days and I am entitled to so much, the court allows it. It may be \$20 a day, and the assertion that it will only cost \$25 is bosh. You gentlemen living in the poorer counties, think about this proposition. As Mr. Kramer said, who is it that demands this? I have not heard anybody demanding it. I do not know who is behind it. There is no call for it and it is an outrage on the farmers to adopt any such system.

Mr. BROWN, of Highland: This Torrens system of registering land titles seems to be well understood by most of the people, and the objections to it are well understood. I do not believe we can gain anything by discussing it. It is a matter which should be carried out. Those people who are afraid of it need not apply it; it is only for those who want it. I move the previous question.

The PRESIDENT: The question is, "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 59, nays 48, as follows:

Those who voted in the affirmative are:

Anderson,	Cordes,	Farnsworth,
Baum,	Crites,	Farrell,
Beyer,	Crosser,	FitzSimons,
Bowdle,	Cunningham,	Halenkamp,
Brown, Highland,	Davio,	Halfhill,
Brown, Lucas,	Donahey,	Harris, Hamilton,
Cassidy,	Doty,	Henderson,
Colton,	Dwyer,	Hoffman,

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Hursh,	Miller, Ottawa,	Stevens,
Johnson, Williams,	Moore,	Stilwell,
Jones,	Peck,	Stokes,
Kerr,	Pierce,	Taggart,
Kilpatrick,	Read,	Tetlow,
King,	Riley,	Thomas,
Lampson,	Rockel,	Ulmer,
Leslie,	Roehm,	Weybrecht,
Longstreth,	Rorick,	Winn,
Marshall,	Shaffer,	Wise,
Matthews,	Smith, Geauga,	Woods.
Mauck,	Smith, Hamilton,	

Those who voted in the negative are:

Antrim,	Harris, Ashtabula,	Nye,
Beatty, Morrow,	Harter, Stark,	Okey,
Beatty, Wood,	Holtz,	Partington,
Brattain,	Johnson, Madison,	Peters,
Brown, Pike,	Kehoe,	Pettit,
Campbell,	Keller,	Price,
Cody,	Kramer,	Redington,
Collett,	Kunkel,	Shaw,
Dunlap,	Lambert,	Solether,
Dunn,	Leete,	Stalter,
Earnhart,	Ludey,	Stamm,
Elson,	Malin,	Stewart,
Fluke,	Mariott,	Wagner,
Fox,	Miller, Crawford,	Walker,
Hahn,	Miller, Fairfield,	Watson,
Harbarger,	Norris,	Mr. President.

So the proposal not having received the requisite number of votes failed to pass.

Mr. BEATTY, of Wood: I ask the indulgence of the Convention for a moment or two. I have waited here for the Convention to reach two questions. I have to leave tonight for the West on important business. I should have left ten days ago. I would like to hear these two important questions discussed and I would like to vote on them. They are Proposal No. 2 and Proposal No. 170. I move you that these two proposals be taken up out of their regular order and debated now. I do not think it will interfere with any of the other proposals. We shall reach all of them by tomorrow evening. I know of one or two others who want to leave this evening and who are likewise interested in those two proposals. I have not bothered the Convention much and I would appreciate it as a favor. I know it is considerable to ask of the Convention to take those proposals up out of their regular order, but as it does not interfere with the entire business before us I ask that it be done.

Mr. CROSSER: I am perfectly willing that this proposal should come up almost immediately, but I have an amendment which I have prepared and it is not yet completed, and it will take fifteen or twenty minutes to get it ready. I therefore move that the Worthington proposal be taken up first to give me a little time.

The PRESIDENT: If there is no objection, the Worthington Proposal—No. 170—will be considered at this time.

There was no objection and the proposal was read the third time.

Mr. KNIGHT: I offer an amendment.

The amendment was read as follows:

Strike out lines 37 to 41 inclusive.

Mr. KNIGHT: The reason for this amendment is twofold. In the first place, it is not a section which deals with the subject of taxation at all. It is a section which deals with the subject of bonded debts. In the

next place, assuming that it is germane to the main proposal, which it is not, which it does not seem to be, it requires that any municipality or any public subdivision of the state in issuing bonds must not only provide a sinking fund for the payment of them at the expiration of twenty years, if they are twenty-year bonds, but that they must actually pay off two per cent of those bonds each year. This means that any municipality, school district, township or county or village undertaking to make a loan and issue bonds for that loan must provide for the issue of those bonds in serial forms, so that one part of them will expire in one year, another in two, another in three, etc. Anyone at all familiar with the procedure in the issuance of public bonds knows that a municipality or subdivision of a county cannot begin to borrow money at as low a rate of interest on one-year bonds as it can on ten-year bonds. Under the sinking fund provision, the money goes into the sinking fund and is there to pay off the bonds, and they are receiving interest equivalent to what the bonds are paying; whereas, by this proposal we have to pay a higher rate on the short term than on the long term. I have letters in my desk from nearly every large municipality and a few of the smaller ones protesting against this part of the proposal as imposing a burden upon every municipality or borrowing community in the state. It seems to me it is not in the proper place here, and it will cost the people of the state of Ohio more to borrow the money and issue bonds than there is any necessity for doing, and it does not provide any additional benefit over the present system. It seems to me that the argument against this insertion here is twofold—first, it does not belong here because it is not connected with taxation, and second, it is bad anyhow.

Mr. STEWART: I would like to say a few words in defense of this proposition. I still believe that no bonded indebtedness should be created unless provision is made for the extinction of part of it each year. I have before me the proceedings of the American Bankers Association that convened in the year 1909. One of the presidents of one of the important banks of this country made an address before that convention and discussed the difference between the idea of partial payment and the sinking fund idea in disposing of public indebtedness. He took the ground that the partial payment idea was by far the better proposition, stating that scientifically you could treat of the reduction of public indebtedness only under the partial payment rule. He presents in this book here a discussion of examples illustrating the working out of the partial payment idea and the sinking fund idea, and he uses an illustration with a \$5,000,000 bonded indebtedness to run fifty years, analyzes that and shows that there is a saving of between \$11,000 and \$12,000 a year by the partial payment idea in liquidating this debt. Now, of course, in all propositions there is room for argument on both sides, but I believe myself that the partial payment idea is better than the sinking fund idea. If the sinking fund idea were always handled right, and if there were no room for any diverting of the funds in a wrongful manner, there would be no argument for the partial payment proposition, but all of us know that often money that is placed in a sinking fund is diverted to a different purpose from that for which it was intended. That is one of the evils of the sinking fund. I could cite specific instances to show

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the way funds were handled to the detriment of many municipalities of the state of Ohio. I have in mind an instance where a municipality wanted to refund, and the amount was only \$23,000 at four per cent. They did refund at 3.95, and the village saved \$11.50 annual interest and paid the bond buyers and their attorneys a commission of \$750 for making the transfer. There was nothing crooked in this; but it's a bad practice to refund. I know communities that have gone into bonded indebtedness and have never levied a sufficient rate to pay off their bonds. The consequence is they have exhausted all of the powers of taxation in those communities. They can hardly pay the interest on the indebtedness and leave anything to pay on the principal. I know, gentlemen, it is the law now to provide for principal and interest. If you will refer to the Ohio laws, volume 102, page 266, you will find that they make actual provision that there must be levies made to cover the principal and interest, and let that accrue and finally pay off the bonds. The reason I introduced that proposition providing for partial payment is because the people will not follow the law. They have not done it in the past and will probably refuse to do so in the future.

Mr. KNIGHT: Do you think immediately upon the heels of our passing Proposal No. 172 to grant municipalities a free hand in managing their own affairs, it is exactly consistent to tie them up and to say that they cannot borrow to purchase and operate public utilities unless they provide for the payment of those bonds in a certain specific way, which may happen to be good in some small village or township but not in a large one?

Mr. STEWART: I believe that whenever a municipality goes into debt to buy a public utility it should make provision to pay some part of that debt each year, because if you let the matter run on, you will have a worn-out plant, obsolete, and at the time you have your bonded indebtedness to pay, your plant is worn out.

Mr. KNIGHT: Do private corporations operating public utilities issue bonds on the idea that two per cent will be paid off annually?

Mr. STEWART: I recognize the fact that the partial payment idea is a new one, but I have never yet seen where there has been any discrimination as between bonded indebtedness on the partial payment idea and the assessment upon property owners. Both are paid in serial order. They never provide for it in any other way. I have seen these two classes of bonds sold at the same time, and there never was any discrimination between the issues as to premium or rate of interest.

Mr. HARRIS, of Hamilton: I wish to say a few words in support of the amendment by Professor Knight. Gentlemen, it is absolutely necessary that Professor Knight's amendment be adopted or that section 10 be materially changed. As a matter of fact, section 10 does not provide any sinking fund at all. It simply provides that two per cent of the debt shall be payable annually and it means the bonds must be issued serially, because if they are not issued serially, then the municipality would be compelled to go into the open market and buy from the holders of the bonds two per cent of those bonds. Now, under that condition, the holders of the bonds, knowing that the municipality is compelled to do that, you can imagine what a fine thing it would be for the holders of the bonds, you can imagine what a

premium the cities would have to pay for that two per cent annually. Section 10 is absolutely unnecessary. The law today in the state of Ohio is that every municipality must provide a sinking fund and levy a tax annually to provide sufficient in the sinking fund to take care of the bonds at maturity and to pay the annual interest on those bonds. That is the law, and that is the practice today in every municipality in the state which is obeying the law. There is a separate body of men named by statute called the trustees of the sinking fund in every municipality, whether large or small, and to this independent body is turned over the amount of money received by taxes annually. Now, gentlemen, as Professor Knight has said this morning, you passed a provision for home rule. You would destroy that and make it impossible to float bonds in large quantities for the purchase of public utilities, because those bonds could not be sold running serially from one to ten years without a great additional tax burden upon the people in the form of an additional rate of interest for the very simple reason that bonds are bought for investment and the average investor does not want to have one-tenth of his investment maturing every year and have to reinvest. Outside of the question of public utilities, the general bonds being issued by every village in the state of Ohio run from ten to forty years. All bonds are issued on the basis or theory that the bonds shall be paid during the life of the improvement for which they are issued, and it is inconceivable to any of us who are familiar with the financing of the city's credit that a city like Cincinnati, which may issue \$2,000,000 of bonds next week, should have to issue them one-twentieth maturing each year. The proposition is absurd.

Mr. JOHNSON, of Williams: Do you not think city bonds made payable in one, two, three, four, five, and up to forty years would sell just as well as if they were all issued for the full forty years?

Mr. HARRIS, of Hamilton: I not only do not think so, but I know they will not. There is nothing in the world in the present proposal, with section 10 eliminated entirely, preventing villages from issuing serial bonds as you have done. I offer an amendment.

The amendment was read as follows:

Strike out in line 10 the words "at present outstanding".

In line 13 strike out "so at present outstanding".

Mr. HARRIS, of Hamilton: This amendment of mine aims to make the bonds of every state and political subdivision exempt from taxation. I call your attention to the fact that when I offered this amendment on second reading the vote was 55 to 44 and one of the members told me afterwards that he had made a mistake, which would make it 54 to 45. So there were 45 in favor of that amendment at that time. Since then four or five members have voluntarily come to me and stated that in the ten days' vacation they came in contact with their public officials and they recognize that my position from the beginning was absolutely right, that a great injustice was done and that the injustice they were doing was to the municipalities themselves.

Now I again call your attention to the fact that I am not interested in the individual bondholder but in the saving of hundreds of millions of dollars, because, gen-

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tlemen, I say to you, that in one generation in the state of Ohio, in my judgment, the difference in making the bonds exempt and subject to taxation will be a couple of hundred millions of dollars. I have pointed out to you, on the \$50,000,000 bond issue for good roads, which in my judgment the state of Ohio can issue today and will be able to issue in the course of the next few days, if they are exempt from taxation, at three and a half per cent, that the difference in the interest to the state of Ohio, which is ourselves, the taxpayers, will be \$20,000,000 if the rate is four per cent instead of three and a half per cent, and I do not believe for a moment, if the bonds are made subject to taxation, that they can be floated at less than four per cent. The same proposition also holds good in the bond issues of every little city and every little village and every little township. You are only penalizing yourselves. Stop and consider for a moment. If a city like Youngstown wishes to issue \$1,000,000 of bonds at least \$900,000 of those bonds will be sold and absorbed by the people living outside of Youngstown, so that if \$100,000 or ten per cent of the bonds of Youngstown were actually bought by the people living in Youngstown and if every one of the bonds was reported for taxation by the people of Youngstown, the gain for the city of Youngstown would be ten per cent only of the amount that the city of Youngstown had actually penalized itself in not exempting the bonds from taxation. The Convention has voted to submit a proposal on taxation which first continues the present uniform system of taxation. Second, it proposes to restore municipal and public bonds to the tax duplicate and do some other things in relation to income and inheritance taxes which we practically all agree to. It then undertakes to take care of a so-called sinking fund provision which has been discussed by the two members preceding me. Of course, you will remember at the time when this proposal was adopted or just before that this Convention voted by 57 to 53 to submit in connection with this an alternative proposition, so that the voters of the state of Ohio might either continue the present constitution just as it is or might adopt the proposal as it has been adopted or might adopt a new scheme of taxation, the classification of property. I shall introduce an amendment at this time that is prepared with the idea of submitting the proposal in the alternative way.

Section 1 provides for a system of taxation. Section 2 gives the exemptions. If this proposal should be adopted, the general assembly, if it chose, might restore bonds to the tax duplicate under a classification of their own. In other words, the amendment that I am about to submit would make it possible to tax bonds or not to tax bonds as the policy of the state from time to time might dictate, so that it does not exempt bonds from taxation and it does not tax them.

Section 3 reads as follows, and this takes the place of section 10 which the member from Meigs supported:

SEC. 3. No bonded indebtedness of the state or any political subdivision thereof, shall be incurred or renewed, unless in the legislation, under which such indebtedness is incurred or renewed, provision is made for the levy of an annual tax sufficient to pay the interest on and the principal thereof at maturity.

In other words, this section will fit in the matter of time any kind of bond the municipalities may desire to issue. If they issue five-year bonds all right, or if they issue forty or fifty-year bonds. That is not true of section 10 of the proposal as it now stands. The member from Franklin seeks to strike that out entirely.

Section 4 is the same as in the proposal itself:

Sec. 4. Except as otherwise provided in this constitution, the state shall never contract any debt for purposes of internal improvement.

Section 5 provides for the inheritance tax.

Section 6 provides for the income tax.

Section 7 is the same as section 1 of the old proposal in relation to poll tax.

I have added section 8, which is a section that the committee on Taxation unanimously recommended, and Brother Colton announced that he wished it inserted in this proposal. I do not remember just why it was not included. There was some misunderstanding about it at any rate. That section reads:

SEC. 8. Revenues for the payment of the expenses of the state may be provided by assessment upon the counties, but every such assessment shall be apportioned among all the counties ratably in proportion to the aggregate amount expended during the preceding year in each county by the county and all political sub-divisions thereof.

This particular section has the indorsement of the president of the state tax commission. It was unanimously agreed to, I think. If it was not unanimous it was so near that it might be said to be unanimous. Then follows the provision as to the ballot:

Resolved further, When these competing amendments to the constitution are submitted to the electors, the ballot shall be printed as follows:

	For uniform rule in taxation.
	For classification in taxation.
	Against both amendments.

so that each elector may express separately by making one cross-mark (X) his preference for either of the two amendments or against both amendments. If the majority of the votes are cast "Against both amendments" as compared with the total of those cast for either amendment there shall be no amendment to the constitution; if not, the amendment which has the larger number of votes shall be adopted as article XII of the constitution.

Those are, in brief, the provisions of the alternative proposition. The part of the proposal referring to the manner of voting, as introduced before, provides that each elector may by one mark exhibit his will; that is

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to say, if he is against both amendments and wants the constitution to stand exactly as it is, he can vote against both on the last line; if he desires to vote for the proposal as now passed, the so-called uniform rule, he marks for that; if he wants to vote for this part of the proposal or classification, he votes in this other place. In other words, one mark by the voter shows what he intends to do.

Mr. KRAMER: I was just wondering, if the Convention agrees to that alternative plan, whether you can get the alternative proposition on the same ballot.

Mr. DOTY: It is for the Convention to decide to submit this alternative with the other and it need not be in the same column with any of them. It would have to be in another place. It could be on another part of the same ballot or in another ballot if the Convention decides it. There is nothing in this to preclude either way.

Mr. TANNEHILL: You are probably aware that your scheme would divide the vote of the uniform people and cast the vote of the other people in a lump?

Mr. DOTY: I am not aware of that. I am not trying to bring that about.

Mr. TANNEHILL: That is the result.

Mr. DOTY: The member is simply saying that. I shall be glad to yield time for him to show it.

Mr. TANNEHILL: We have the uniform system now?

Mr. DOTY: Yes.

Mr. TANNEHILL: Would not every man who voted to retain the present system be a uniform man?

Mr. DOTY: Yes, of course, if you want to change the designation. I am not thinking of that, but there is this difference: A man who votes on this proposal for the uniform rule of taxation as it stands here would then be voting in favor of taxing municipal and state bonds. If he voted against both, he would be voting to retain the present section of the constitution which exempts bonds.

Mr. TANNEHILL: A shrewd scheme to divide the opposition, and any kind of an examination will make that apparent to any fair-minded man. I am not accusing you of not being fair, but I think you have thoughtlessly made the statement.

Mr. DOTY: I am not at all tenacious about the wording there. If you will make what you think is a proper wording, and it accomplishes the same purpose, I am perfectly willing to accept it. Those who contend for the so-called uniform rule must bear in mind that the people of the state of Ohio in sixty years have never yet had a chance to vote upon that subject. There is not a man in this room who dares to say that the people of Ohio are in favor of the so-called uniform rule any more than I have a right to say that the people of Ohio are in favor of classification of property for taxation purposes. The best I can say is that four times they have had a chance to vote and those who did vote voted overwhelmingly for it. That is not conclusive, but it is far more conclusive than anything a uniform rule man can bring into this discussion.

Now, I desire to offer this amendment at this time and all I ask is a yea and nay vote upon the amendment at any time when you are ready to vote on it, not seeking to cut off any debate at any time.

The amendment was read as follows:

After line 41 add:

"That, at the same time and upon the same ballot, which ballot shall be separate from all other ballots upon which amendments may be submitted, the following alternative proposed amendment is submitted to the electors of the state:

ARTICLE XII.

SEC. 1. As provided by law there may be established and maintained an equitable system for raising state and local revenues. The subjects of taxation may be classified so far as their differences justify in order to secure a just return from each. All taxes and other charges shall be imposed for public purposes only, and shall be just to each subject.

SEC. 2. The power of taxation shall never be surrendered, suspended or contracted away. Burying grounds, public school houses, houses used exclusively for public worship, institutions purely for charity, public property used exclusively for any public purpose, and personal property to the amount not exceeding in value two hundred dollars for each individual, may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law.

SEC. 3. No bonded indebtedness of the state or any political subdivision thereof, shall be incurred or renewed, unless in the legislation, under which such indebtedness is incurred or renewed, provision is made for the levy of an annual tax sufficient to pay the interest on and the principal thereof at maturity.

SEC. 4. Except as otherwise provided in this constitution the state shall never contract any debt for purposes of internal improvement.

SEC. 5. Laws may be enacted providing for the taxation of the right to receive or succeed to estates, and such tax may be uniform or graduated. Such tax may also be levied upon collateral inheritances, at such rate as may be provided by law, and a portion of each estate may be exempt from taxation.

SEC. 6. Laws may be enacted providing for the taxation of incomes, which tax may be either uniform or graduated; and, as may be provided by law, a minimum exemption may be made.

SEC. 7. No poll tax shall ever be levied in this state, or service required, which may be commuted in money or other thing of value.

SEC. 8. Revenues for the payment of the expenses of the state may be provided by assessment upon the counties, but every such assessment shall be apportioned among all the counties ratably in proportion to the aggregate amount expended during the preceding year in each county by the county and all political sub-divisions thereof.

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Resolved further, When these competing amendments to the constitution are submitted to the electors, the ballot shall be printed as follows:

	For uniform rule in taxation.
	For classification in taxation.
	Against both amendments.

so that each elector may express separately by making one cross-mark (X) his preference for either of the two amendments or against both amendments. If the majority of the votes are cast "Against both amendments" as compared with the total of those cast for either amendment there shall be no amendment to the constitution; if not, the amendment which has the larger number of votes shall be adopted as article XII of the constitution.

Mr. DOTY: Now a word in reference to the method of submission. If there is a member in this Convention who can produce a fairer method of submitting the alternative proposition, I shall be glad to accept it. The question had never been raised before until the member from Morgan raised it. I only want to express my desire to meet any criticism in the fairest manner possible, because there is no purpose to fool anybody. It is a distinct purpose to put these two propositions up so that they may be intelligently and fairly discussed and voted upon. That is all.

Mr. ANDERSON: I want to take a few moments, not upon the merits of the uniform rule or classification, but upon the question of consistency.

I am in favor of the referendum. The referendum, if it means anything, means the right of the people to pass upon questions of grave importance to them. I have been asked about the circle, but I will come to that later on. At the present time the rule of taxation is the uniform rule. The question now is, Shall another proposition, classification, be submitted to the people? Are you who have voted and talked in favor of the referendum in favor of the referendum only when you believe that people will vote as you want them to vote? Is that your definition of a referendum? Would you censure a member of the legislature who would refuse to submit a question of importance to be voted upon by the people? The records show that hundreds of thousands of our citizens have before this voted in favor of classification. Now would you censure the lawmakers who would refuse to permit the people to vote upon it because the lawmaker was afraid it would carry? Is that the kind of consistent referendum advocate you are?

Take my friend Watson. Why, he was rampant upon the question of referendum, and yet in private conversation, I am informed, referred to people in all sorts of language when they wanted to submit this matter to them.

Mr. WATSON: Would you be in favor of submitting polygamy to the people?

Mr. ANDERSON: I apprehend there is some difference, although mentally you may not detect it, between polygamy and the classification of property.

Mr. WATSON: Is not one just as fraudulent as the other?

Mr. ANDERSON: It may be in your mind, but I do not believe, if polygamy had been submitted four times to the people of Ohio and that hundreds of thousands of voters as intelligent as you are had voted in favor of it, that the submission of it would be improper.

Mr. PARTINGTON: I want to ask you this question: Would you be willing to submit to the people the Smith one per cent law and uniform rule or the alternative proposition of classification of property?

Mr. ANDERSON: If you will submit as an alternative proposition the Smith one per cent law I am in favor of it, because I believe in a referendum, and I will vote against the one per cent law if it comes up; but I am perfectly willing to let the other man have a chance to vote on it too, because I do not believe that this Convention can take upon itself to decide that the whole citizenship of Ohio should not have a right to vote on these questions. If we do that we are not reformers, but we merely pretend to be reformers.

Mr. WATSON: Another question: Do you want to submit this question to the people for their ratification or rejection with the words "institutions for public charity" and "institutions purely for charity inserted"?

Mr. ANDERSON: I have not examined the wording of it. That is not your objection. Let me examine you a little. If you thought classification of property would fail at the polls would you have any hesitancy in voting for this proposition?

Mr. WATSON: Yes, I would.

Mr. ANDERSON: I do not believe it. The reason you do not want to vote in favor of this is because you are afraid it will carry, because you are afraid that the great mass of the voters in the state of Ohio do not take your view of it. That is the reason you are not in favor of the referendum on this question. I hope when the winter time comes and these debates are printed and we are sitting by the side of the fire with some hickory nuts cracked and eating the hickory nuts and reading the debates that we will be consistent. I hope we will not be ashamed to look that record in the face. I want to say, although I am not in favor of classification, I would be ashamed to pretend to be for a referendum and then fail to vote to submit this proposition.

Mr. WOODS: I had supposed that we had settled this taxation matter and I think it ought to be settled. This is the last time we are going to have to vote on this question of taxation. This is one of the great big questions that have come before the Convention, and I want to ask you gentlemen whether, after we are supposed to have settled this thing, you are going to vote to submit separately to the people of this state an amendment that I think no one of us except the author has read. Is that the way you are going to do business in the last stages of this Convention? This is the last time they can be submitted and I do not know whether Brother Doty's amendment is a fair, square submission of a classification proposition or not. I cannot tell. I could not satisfy

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myself by going to the desk and reading it, and before I would want to vote for any proposition covering a matter of that kind I would want to have time to ponder over it and know what it means, because I know and you all know by this time that certain interests in this state have been trying to get certain things done in the matter of taxation in this Convention. Now, gentlemen, within the last two weeks—it has been only two weeks since we settled this taxation matter—after thorough discussion we came to the conclusion that the best thing was to adhere to the uniform rule of taxation. Now they want it all done over again. This is too serious a matter. I have not been in favor of making these amendments on third reading. I don't think we ought to do it. Third reading is simply to pass on the word of the committee on Arrangement and Phraseology. If that committee has done its work all right that is all there is to it. It ought to be passed just that way, but here is a proposal to do something that is entirely different, just as when it first came up. I say to you, gentlemen, that the people in this state who are calling for classification are the monied people. Are they asking for it because they want to pay more taxes than they are paying now? Is that the reason they want classification? I say to you it is not the reason. Then the reason must be that they want classification because they expect to have their taxes lowered, and if their taxes are lowered somebody else has to make up the difference. Let us not make any mistake now. We have settled this thing and we cannot afford to go back and do it all over again. I think we have done fairly well. I think that the majority of the people of the state are satisfied. This Convention has voted several times on the question of exempting bonds. We voted not to exempt them. Now, you uniform rule men, are you going to have uniform rule and then exempt from that the man who can live on the interest on his bonds? You make a mistake there, and put yourself in a position that is absolutely indefensible. Let us not make that mistake. One other thing. You may get up here and talk about being in favor of the referendum; that does not mean that you are in favor of submitting to the people of this state every sort of a proposition. This Convention is against that by a vote of two to one, and we have shown it on all questions where we have voted. I say we cannot afford it. I move that the last amendment be laid upon the table, and on that I demand the yeas and nays.

The delegate from Summit [Mr. READ] here took the chair as president pro tem.

Mr. DOTY: I demand a call of the Convention.

The PRESIDENT PRO TEM: A call of the Convention is demanded. The sergeant-at-arms will close the door and the secretary will call the roll.

The roll was called when the following members failed to answer to their names:

Brown, of Highland, Eby, Stalter, Tallman, Worthington.

The president announced that one hundred and fourteen members had answered to their names.

Mr. DOTY: I move that further proceedings under the call be dispensed with.

The motion was carried.

Mr. DOTY: Before this amendment is voted upon I wish to say that I find in my haste two words have not

been put in correctly. I desire the words after "purely public charity" to be the same in mine as in the other proposal. My attention has been called to it by the member from Guernsey, and may I ask unanimous consent to change them?

Mr. WOODS: I object.

Mr. DOTY: My desire was to have it just exactly the same, and I will move to amend it later. You can vote on it now with the understanding that I am going to amend it to make it exactly like the present proposal.

Mr. EARNHART: You said in your argument that this proposition and this classification, if the people ratified it, would restore bonds to taxation?

Mr. DOTY: It does not exempt them from taxation is what I said.

Mr. EARNHART: Under the present condition they are exempt

Mr. DOTY: The present condition in that particular would be wiped out and this would be put in its place.

Mr. EARNHART: Does it say so?

Mr. DOTY: Yes, specifically; in so many words.

The PRESIDENT PRO TEM: The question is on laying the amendment on the table.

Mr. LAMPSON: The question is simply to lay on the table the amendment of the delegate from Cuyahoga [Mr. Dory], which motion was made by Mr. Woods.

The yeas and nays were taken, and resulted—yeas 58, nays 56, as follows:

Those who voted in the affirmative are:

Baum,	Harris, Ashtabula,	Moore,
Beatty, Morrow,	Henderson,	Norris,
Beatty, Wood,	Holtz,	Okey,
Beyer,	Hursh,	Partington,
Brattain,	Johnson, Madison,	Peters,
Brown, Highland,	Johnson, Williams,	Pettit,
Brown, Pike,	Jones,	Pierce,
Cody,	Kehoe,	Price,
Collett,	Keller,	Shaw,
Colton,	Kunkel,	Solether,
Crites,	Lambert,	Stewart,
Cunningham,	Lampson,	Tannehill,
DeFrees,	Longstreth,	Tetlow,
Donahay,	Ludey,	Wagner,
Dunn,	Marshall,	Walker,
Farnsworth,	McClelland,	Watson,
Fess,	Miller, Crawford,	Winn,
Fluke,	Miller, Fairfield,	Wise,
Fox,	Miller, Ottawa,	Woods.
Harbarger,		

Those who voted in the negative are:

Anderson,	Halenkamp,	Peck,
Antrim,	Halfhill,	Read,
Bowdle,	Harris, Hamilton,	Redington,
Brown, Lucas,	Harter, Huron,	Riley,
Campbell,	Harter, Stark,	Rockel,
Cassidy,	Hoffman,	Roehm,
Cordes,	Hoskins,	Rorick,
Crosser,	Kerr,	Shaffer,
Davio,	Kilpatrick,	Smith, Geauga,
Doty,	King,	Smith, Hamilton,
Dunlap,	Knight,	Stamm,
Dwyer,	Kramer,	Stevens,
Earnhart,	Leete,	Stilwell,
Elson,	Leslie,	Taggart,
Evans,	Malin,	Thomas,
Fackler,	Marriott,	Ulmer,
Farrell,	Matthews,	Weybrecht,
FitzSimons,	Mauck,	Mr. President.
Hahn,	Nye,	

So the amendment was tabled.

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Mr. ELSON: I offer an amendment to Proposal No. 170.

The amendment was read as follows:

In line 16 strike out the word "two" and insert in lieu thereof "five".

Mr. ELSON: This is so easily understood that I do not think it is necessary to discuss it. It is a simple step in the direction of taxing wealth rather than poverty. I think it would be a boon to the poor, who have never but a few hundred dollars' worth of personal property, and I am sure the state can easily make up the rest of its revenue without taxing anything under \$500. In New York \$1,000 is exempt and New York has no trouble in raising revenue.

Mr. PECK: Just a word. I am in favor of this amendment and I hope the Convention will do something for the poor before it adjourns.

The amendment was agreed to.

Mr. WOODS: Now I move to lay the amendment offered by Mr. Harris, exempting bonds, on the table and on that I demand the yeas and nays.

The yeas and nays were taken, and resulted — yeas 63, nays 50, as follows:

Those who voted in the affirmative are:

Anderson,	Henderson,	Okey,
Baum,	Holtz,	Partington,
Beatty, Morrow,	Hoskins,	Peters,
Beatty, Wood,	Hursh,	Pettit,
Beyer,	Johnson, Madison,	Pierce,
Brown, Highland,	Jones,	Rockel,
Cody,	Kehoe,	Rorick,
Collett,	Keller,	Shaw,
Colton,	Kramer,	Smith, Geauga,
Crites,	Kunkel,	Solether,
Cunningham,	Lambert,	Stevens,
DeFrees,	Lampson,	Stewart,
Dunlap,	Longstreth,	Tannehill,
Dunn,	Ludey,	Tetlow,
Dwyer,	Malin,	Thomas,
Earnhart,	Marshall,	Wagner,
Farnsworth,	Mauck,	Walker,
Fess,	Miller, Crawford,	Watson,
Fluke,	Miler, Fairfield,	Winn,
Harbarger,	Miller, Ottawa,	Wise,
Harris, Ashtabula,	Moore,	Wood.

Those who voted in the negative are:

Antrim,	Halenkamp,	Nye,
Bowdle,	Halfhill,	Peck,
Brattain,	Harris, Hamilton,	Price,
Brown Pike,	Harter, Huron,	Read,
Campbell,	Harter, Stark,	Redington,
Cassidy,	Hoffman,	Riley,
Cordes,	Johnson, Williams,	Roehm,
Crosser,	Kerr,	Shaffer,
Davio,	Kilpatrick,	Smith, Hamilton,
Doty,	King,	Stalter,
Elson,	Knight,	Stamm,
Evans,	Leete,	Stilwell,
Fackler,	Leslie,	Taggart,
Farrell,	Marriott,	Ulmer,
FitzSimons,	Matthews,	Weybrecht,
Fox,	McClelland,	Mr. President.
Hahn,	Norris,	

So the motion to table was carried.

Mr. RILEY: I move to amend Proposal No. 170 as follows:

Strike out of line 10 the words "the state of Ohio or of,".

Mr. RILEY: This amendment eliminates state bonds from taxation. I can hardly conceive how any member could feel that we should issue state bonds for good roads or for any other purpose and then turn around and tax them. State bonds are something that every taxpayer is interested in according to the amount of property he owns. It is as absurd to tax state bonds as it would be to pass a proposal to put this state house on the tax duplicate for taxation.

Mr. ANDERSON: Is not the difference between taxing state property and taxing state bonds this, that the \$50,000,000 of bonds issued for good roads, if they are not taxed, offer a channel or medium by which the people who do not want to pay their taxes can take advantage to the extent of \$50,000,000?

Mr. RILEY: My answer to that is that the chances are ten to one that we will get a better rate on those bonds, and it is absurd to tax our own obligations.

Mr. HARRIS, of Hamilton: Does not the argument that has been so carefully put forward by the Convention that, in the event you issue \$50,000,000 of exempt state bonds, the bankers will use them to trade with people to allow them to escape from taxation, have no effect when we know that there are hundreds of millions of United States bonds which the same bankers will use and which the people of Ohio can use in the same manner as it is intimated here they will use the state bonds?

Mr. RILEY: I think there is nothing in their argument. We exempt under our law all government bonds. We are compelled to do that and I cannot see why we should tax our own state bonds.

Mr. WOODS: We are up against the same proposition. We cannot have the uniform rule and exempt a lot of things. Let us stand for the uniform rule and stand right there. Who is it that has been asking you to exempt bonds from taxation? Just let some one stand up and tell us. Now, gentlemen, let us stand by the uniform rule and not get tolled off into something else; I move that this amendment be laid on the table.

The motion to table was carried.

Mr. STEWART: I move that the amendment to section 10 be laid upon the table and upon that I call for the yeas and nays.

The PRESIDENT PRO TEM: The question is on the Knight amendment, as to whether it shall be laid upon the table, and upon that the yeas and nays have been regularly demanded.

The yeas and nays were taken, and resulted — yeas 62, nays 48, as follows:

Those who voted in the affirmative are:

Antrim,	Elson,	Marriott,
Baum,	Farnsworth,	Marshall,
Beatty, Wood,	Fess,	Mauck,
Beyer,	Fluke,	McClelland,
Brattain,	Harbarger,	Miller, Crawford,
Brown, Highland,	Henderson,	Miller, Fairfield,
Brown, Pike,	Holtz,	Miller, Ottawa,
Campbell,	Hursh,	Norris,
Cody,	Jones,	Partington,
Collett,	Kehoe,	Peters,
Colton,	Keller,	Pettit,
Crites,	King,	Pierce,
Cunningham,	Kunkel,	Redington,
Donahay,	Lambert,	Rockel,
Dunlap,	Lampson,	Shaw,
Dunn,	Longstreth,	Solether,
Earnhart,	Ludey,	Stalter,

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Stevens,
Stewart,
Taggart,
Tannehill,

Tetlow,
Thomas,
Wagner,
Walker,

Watson,
Winn,
Woods.

Those who voted in the negative are:

Beatty, Morrow,	Harter, Huron,	Okey,
Bowdle,	Harter, Stark,	Peck,
Cassidy,	Hoffman,	Price,
Cordes,	Hoskins,	Read,
Crosser,	Johnson, Madison,	Riley,
Davio,	Johnson, Williams,	Roehm,
Doty,	Kerr,	Rorick,
Evans,	Kilpatrick,	Shaffer,
Fackler,	Knight,	Smith, Geauga,
Farrell,	Kramer,	Smith, Hamilton,
FitzSimons,	Leete,	Stamm,
Hahn,	Leslie,	Stilwell,
Halenkamp,	Malin,	Ulmer,
Halfhill,	Matthews,	Weybrecht,
Harris, Ashtabula,	Moore,	Wise,
Harris, Hamilton,	Nye,	Mr. President.

So the motion to table prevailed.

Mr. WINN: I offer an amendment.

The amendment was read as follows:

In line 15 strike out the words "of purely public charity", and insert in lieu thereof the words, "used exclusively for charitable purposes."

Mr. WINN: If I may have your attention for just a minute I will explain the importance of this amendment. It will not exempt from taxation any property now taxed, but it will make constitutional some laws enacted by the general assembly exempting certain property from taxation, which laws are now unconstitutional. I will call your attention to three institutions in the city of Springfield, used exclusively for charitable purposes. For thirteen years I was intimately connected with one of them, which was the Pythian Home, at which there are now being kept, housed, clothed and educated at the hands of the members of the order of the state two hundred little boys and girls. Since that institution was established, probably fifteen or sixteen years ago, there had been admitted to that institution probably five or six hundred orphan children. Just out to the right of this institution is the Masonic Home, where old men and old women who are not able to support themselves, and who but for that institution would be public charges, are given a home and all the comforts of life during their old age. Just off to the left of the Pythian Home is the Odd Fellows institution where orphan children, old men and old women are kept. There are other institutions of that sort. I know one in the city of Cleveland, a splendid institution, maintained by the Jews. There are institutions of a similar kind maintained by capitalists and maintained by other civic institutions besides those which I have mentioned.

Mr. MAUCK: Was it not decided by the supreme court under our present constitution that the Little Sisters of the Poor in Cincinnati was an institution purely for public charity and was, therefore, exempt?

Mr. WINN: I hope so; I did not know it.

Mr. MAUCK: I know so.

Mr. WINN: A few years ago the members of these different fraternities and different societies and organizations came before the general assembly and asked the

general assembly to pass a law exempting them from taxation, and that law was passed almost unanimously. But I have always had very grave doubts respecting the constitutionality of that law. A committee of these institutions has visited some of the members of this Convention since we have been here and has asked that this be inserted, removing all doubt on the subject. It will not exempt any property from taxation that is now taxed, but it will make constitutional the exemption of all institutions used purely for charitable purposes. I hope the amendment will be agreed to and I hope the agreement will be unanimous.

The amendment was agreed to.

Mr. HARRIS, of Hamilton: I offer the following amendment, and I call your attention to the fact again that section 10 as drawn is very defective. It would be a disgrace to this Convention if it went out in this form, so I offer an amendment using identically the same words as the provisions in the sinking fund in the good-roads measure which you have adopted.

The amendment was read as follows:

Strike out of line 39 the words, "for the payment each", and all of lines 40 and 41 and substitute "for the levying and collection annually by taxation of an amount sufficient to pay the interest on said bonds, and provide a sinking fund for their final redemption at maturity."

Mr. HARRIS, of Hamilton: I now offer another amendment which I know will be adopted unanimously because it provides that of all income and inheritance taxes collected by the state not less than fifty per cent shall be returned to the place from which they originated. In other words, if we have to pay income and inheritance taxes, let the state return to our taxing district not less than fifty per cent of these taxes to reduce our burden of taxes. I will state that in Wisconsin the legislature has provided that seventy per cent shall be returned and I have left the legislature a limit of returning not less than fifty per cent to the cities, villages and townships in which the tax originated.

The PRESIDENT: The secretary will read the amendment.

The amendment was read as follows:

Insert as section 9 the following:

"Not less than fifty (50) per centum of the income and inheritance taxes that may be collected by the state shall be returned to the city, village or township in which said income and inheritance tax originate."

Change present section 9 to section 10 and present section 10 to section 11.

Mr. BROWN, of Highland: I move the previous question.

Mr. WATSON: I wish you would not do that. I have been trying to offer a small amendment for some time.

The PRESIDENT: The previous question is regularly demanded.

The main question was ordered.

The PRESIDENT: The question is, "Shall the amendment of the member from Hamilton [Mr. HAR-

Taxation.

RIS] be agreed to? The last amendment offered by Mr. Harris is the amendment in question.

The yeas and nays were taken, and resulted—yeas 74, nays 34, as follows:

Those who voted in the affirmative are:

Antrim,	Hahn,	Nye,
Baum,	Halenkamp,	Okey,
Beatty, Wood,	Halfhill,	Partington,
Beyer,	Harris, Hamilton,	Peck,
Bowdle,	Harter, Stark,	Read,
Brattain,	Hoffman,	Riley,
Brown, Pike,	Hoskins,	Rockel,
Cassidy,	Hursh,	Roehm,
Cody,	Johnson, Madison,	Rorick,
Collett,	Johnson, Williams,	Shaw,
Colton,	Keller,	Smith, Geauga,
Cordes,	Kerr,	Smith, Hamilton,
Crites,	Kilpatrick,	Solether,
Crosser,	King,	Stamm,
Cunningham,	Knight,	Stilwell,
Davio,	Kramer,	Tannehill,
Donahey,	Kunkel,	Thomas,
Dunlap,	Lambert,	Ulmer,
Dwyer,	Leete,	Wagner,
Evans,	Leslie,	Walker,
Fackler,	Marriott,	Weybrecht,
Farnsworth,	Marshall,	Winn,
Farrell,	McClelland,	Wise,
Fess,	Miller, Crawford,	Mr. President.
Fox,	Norris,	

Those who voted in the negative are:

Beatty, Morrow,	Holtz,	Pettit,
Brown, Highland,	Jones,	Pierce,
Doty,	Kehoe,	Price,
Dunn,	Lampson,	Redington,
Earnhart,	Longstreth,	Stalter,
Elson,	Malin,	Stevens,
FitzSimons,	Mauck,	Stewart,
Fluke,	Miller, Fairfield,	Taggart,
Harbarger,	Miller, Ottawa,	Tetlow,
Harris, Ashtabula,	Moore,	Watson,
Harter, Huron,	Peters,	Woods.
Henderson,		

So the amendment was agreed to.

The PRESIDENT: The question is now on the adoption of the first amendment of Mr. Harris, of Hamilton.

Mr. HARRIS, of Hamilton: Would you object to my calling attention to the fact that Mr. Colton indorses that?

The amendment was agreed to.

The PRESIDENT: The question is, "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 79, nays 32, as follows:

Those who voted in the affirmative are:

Anderson,	Dwyer,	Johnson, Madison,
Baum,	Earnhart,	Jones,
Beatty, Morrow,	Fackler,	Kehoe,
Beatty, Wood,	Farnsworth,	Keller,
Beyer,	Farrell,	Kerr,
Brown, Highland,	Fess,	Kilpatrick,
Brown, Pike,	FitzSimons,	King,
Cody,	Fluke,	Kramer,
Collett,	Fox,	Kunkel,
Colton,	Harbarger,	Lambert,
Crites,	Harris, Ashtabula,	Lampson,
Crosser,	Harter, Huron,	Leslie,
Cunningham,	Henderson,	Longstreth,
Donahey,	Holtz,	Ludey,
Dunlap,	Hoskins,	Marriott,
Dunn,	Hursh,	Marshall,

Mauck,	Pettit,	Stilwell,
McClelland,	Pierce,	Taggart,
Miller, Crawford,	Rockel,	Tannehill,
Miller, Fairfield,	Roehm,	Tetlow,
Miller, Ottawa,	Shaw,	Thomas,
Moore,	Smith, Geauga,	Wagner,
Norris,	Solether,	Walker,
Okey,	Stalter,	Watson,
Partington,	Stevens,	Winn,
Peters,	Stewart,	Wise,
		Woods.

Those who voted in the negative are:

Antrim,	Halfhill,	Read,
Bowdle,	Harris, Hamilton,	Redington,
Brattain,	Harter, Stark,	Riley,
Cassidy,	Hoffman,	Rorick,
Cordes,	Johnson, Williams,	Shaffer,
Davio,	Knight,	Smith, Hamilton,
Doty,	Leete,	Stamm,
Elson,	Malin,	Ulmer,
Evans,	Nye,	Weybrecht,
Hahn,	Peck,	Mr. President.
Halenkamp,	Price,	

So the proposal passed as follows:

Proposal No. 170—Mr. Worthington, to submit an amendment to article XII, sections 1, 2 and 6, of the constitution, and to add thereto sections to be known as sections 7, 8, 9 and 10.—Taxation of state and municipal bonds, inheritances, incomes, franchises and production of minerals.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal to amend the constitution shall be submitted to the electors to read as follows:

ARTICLE XII.

SEC. 1. No poll tax shall ever be levied in this state, or service required, which may be commuted in money or other thing of value.

SEC. 2. Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money, excepting all bonds at present outstanding of the state of Ohio or of any city, village, hamlet, county, or township in this state or which have been issued in behalf of the public schools in Ohio and the means of instruction in connection therewith, which bonds so at present outstanding shall be exempt from taxation; but burying grounds, public school houses, houses used exclusively for public worship, institutions used exclusively for charitable purposes, public property used exclusively for any public purpose, and personal property, to an amount not exceeding in value five hundred dollars, for each individual, may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law.

SEC. 6. Except as otherwise provided in this constitution the state shall never contract any debt for purposes of internal improvement.

SEC. 7. Laws may be passed providing for the taxation of the right to receive, or to succeed to,

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estates, and such taxation may be uniform or it may be so graduated as to tax at a higher rate the right to receive, or to succeed to, estates of larger value than to estates of smaller value. Such tax may also be levied at different rates upon collateral and direct inheritances, and a portion of each estate not exceeding twenty thousand dollars may be exempt from such taxation.

SEC. 8. Laws may be passed providing for the taxation of incomes, and such taxation may be either uniform or graduated, and may be applied to such incomes as may be designated by law; but a part of each annual income not exceeding three thousand dollars may be exempt from such taxation.

SEC. 9. Not less than fifty (50) per centum of the income and inheritance taxes that may be collected by the state shall be returned to the city, village or township in which said income and inheritance tax originate.

SEC. 10. Laws may be passed providing for excise and franchise taxes and for the imposition of taxes upon the production of coal, oil, gas and other minerals.

SEC. 11. No bonded indebtedness of the state, or any political sub-divisions thereof, shall be incurred or renewed, unless in the legislation under which such indebtedness is incurred or renewed, provision is made for the levying and collection annually by taxation of an amount sufficient to pay the interest on said bonds, and provide a sinking fund for their final redemption at maturity.

Mr. FACKLER: I move that the Convention recess until seven o'clock p. m.

The motion was lost.

Mr. WOODS: I move that the vote whereby Proposal No. 170 was passed be now reconsidered and I move to lay that motion on the table.

The motion was carried.

The proposal was referred to the committee on Arrangement and Phraseology.

Mr. ANDERSON: I move to recess until nine o'clock tomorrow morning.

Mr. DOTY: What is the use of recessing?

Mr. ANDERSON: Then I move to adjourn until tomorrow morning at nine o'clock.

Mr. PECK: I move to recess until 7:30 p. m.

Mr. FESS: I understand the motion is to adjourn until nine o'clock and that is debatable.

The PRESIDENT: Yes.

Mr. FESS: Gentlemen of the Convention: Let us not get excited; let us have at least an evening session and get rid of the initiative and referendum.

Mr. DOTY: I withdraw my motion.

The PRESIDENT: The question is on recessing until 7:30 o'clock p. m.

The motion was carried and the Convention recessed until 7:30 o'clock p. m.

EVENING SESSION.

Mr. LAMPSON: I move that three hundred copies of Proposal No. 170 as passed be printed.

The motion was carried.

Mr. Brown, of Lucas, arose to a question of privilege, and asked that his vote be recorded on Proposal No. 62, by Mr. Pierce. His name being called, Mr. Brown, of Lucas, voted "aye."

The PRESIDENT: The next order of business is Proposal No. 2, which the secretary will read.

The proposal was read the third time.

Mr. CASSIDY: I offer an amendment.

The amendment was read as follows:

In line 6 strike out the word "but" and in lieu thereof insert a comma after the word "representatives" followed by the following:

"the members of which shall be elected by a separate ballot without party designation thereon. The names of all candidates for the senate and house of representatives shall be separate with proper designations for each and shall be alphabetically arranged upon the ballot."

In the same line in the word "the" change the "t" to "T".

In the same line after the word "people" insert ", however,".

Mr. CASSIDY: The legislature in providing for this Constitutional Convention provided for a nonpartisan election. And this provides for nonpartisan elections for members of the general assembly.

A vote being taken the amendment was agreed to on a division by 59 to 33.

Mr. CROSSER: I offer an amendment.

The amendment was read as follows:

After the word "initiative" in line 17 insert the following: "and the signatures of eight per centum of the electors shall be required upon a petition to propose a law".

In line 25 strike out all after the period and strike out all of lines 26 and 27 and substitute the following:

"The initiative petitions, above described, in the case of proposed laws shall have printed across the top thereof, 'Law proposed by initiative petition to be submitted directly to the electors'; or in case of proposed amendments to the constitution 'Amendment to the constitution proposed by initiative petition to be submitted directly to the electors.'"

Mr. DWYER: Do you mean by your amendment to reduce it from twelve to eight per cent?

Mr. CROSSER: No; this is a new proposition entirely.

Mr. President and Gentlemen of the Convention: When this proposal was before the Convention on its second reading it was my purpose to say a few words on the general principles of the initiative and referendum, but by some parliamentary legerdemain my raucous voice was prevented from annoying you on the subject at all. I feel, however, that I would be derelict in my duty if I did not do everything in my power to secure to the people the right to legislate directly when the occasion

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and necessity may arise, and therefore I have offered the pending amendment. I shall not, however, undertake to discuss the general principles, but shall confine myself to the principle involved in this amendment and thereby avoid the charge of now harassing you with what one of my newspaper friends referred to as "a perfectly good speech which was placed in cold storage".

I know that there is a disposition at this stage of the Convention's proceedings to rush things and pay little attention to any amendments offered, and I do not blame the members a great deal, but in view of the fact that I did not have an opportunity before to present my case I feel sure that the members will be broad enough and just enough to adopt this form of the initiative if I can present fair and sound reasons for it.

During the former discussion of this measure I was very much amazed and somewhat irritated to hear members of the Convention speaking of their willingness to allow the people to exercise this or that degree of control in the conduct of their government, as if it were the prerogative of any member of this body to say what rights his masters should have in their government, and yet that is exactly the position that delegates have taken. But let us for a moment examine this substitute; this indirect initiative; this will-o'-the-wisp proposition, which seems to put us within the reach of freedom and yet, when we approach it, fades away and leaves us in darkness and despair.

In the first place, instead of doing what all believers in the principle of self-government admit and agree should be done, namely, making government as readily responsive to the wishes of the people as possible, this makes it possible to delay action upon a proposed measure to the extent of three years. Stop and think of it for a moment. Suppose that at any time after ten days before the commencement of the next session of the general assembly the required number of electors should have occasion to propose a law by initiative petition. At the next regular election you cannot submit the proposition to the people, because it was not presented to the legislature prior to ten days before the commencement of the session of the general assembly in that year and it therefore goes over until the next year; but the next year has no session of the general assembly and the measure must go into the third year and wait until the legislature convenes, at which time it must be presented to them for their action, and then if the general assembly disapproves, it goes to an election, thus making practically three years before we can have any action by the people upon a measure proposed by a large number of the voters of the state. That is one reason why the indirect initiative, so called, is objectionable.

A great many arguments advanced for the principle of the initiative and referendum, or what is sometimes called direct legislation, are based upon the psychological effect that the operation of the principle exerts on the mass of voters. It creates greater respect for the law, for the discussion preparatory to the direct action of the voters on a proposition submitted to them is bound to have a beneficial effect.

Any man has more pride in a thing which he has created than in that which someone else has created for him, and therefore, he is more inclined to comply with

the terms of that law in the enactment of which his will has been of equal weight with that of every other man.

Another reason why men have more respect for law which has been sanctioned by popular vote is that they know that the will of a real majority of the people is behind that law which gives it its force, and if for no other reason than the mere selfish one that they feel they are outnumbered they are inclined to respect it, which is not usually the case when the law is the result of some legislative action, always more or less the result of machination and tricks.

Another reason why a law which has been passed upon by the people themselves has more weight and therefore is more respected, in other words, is really law, is that the discussion which has gone on before the people, the argument pro and con, is bound to make the citizen understand the law better than he would if it were passed here by the general assembly. He knows the reason for it, and knowing the reason he sees the justice or what is claimed to be justice by the great majority who have approved it.

It will improve public opinion for practically the same reason. After all, law, the only vital law, is simply public opinion. You may write statutes and render great decisions, but if public opinion is not behind them they are just so much dead timber. It is practically a repetition of the same argument to say that where we have direct legislation, where we have responsibility on the part of the people, where we have the people's will expressed in the form of law as the direct initiative would permit it to be, we have the surest bulwark against anarchy and appeal to passion. How many men do you suppose are going to take chances in the violation of law if they know that the great majority of their fellow men have personally expressed their approval of that law instead of giving someone carte blanche to pass such a law without their knowing anything about it?

I do not urge that all laws should be submitted to the people. A great many laws are of minor importance and it makes no difference whether our citizens know the contents of them or not, but where there is a great principle involved, where the law involves some proposition as to which there is a clash of interests, such laws had ten times better be submitted to the people for their direct action and approval or rejection, because in so doing we have had a final settlement of the proposition that is satisfactory, and as long as you try to settle great questions like those relating to taxation and the liquor traffic and many others of similar importance by having agents do it for the people you will find a lurking suspicion in the minds of the majority of the electors of the state that such law is not the will of a majority.

The time of the delegate here expired.

Mr. HURSH: I move that the gentleman's time be extended ten minutes.

The motion was carried.

Mr. CROSSER: Now, just so far as the indirect initiative prevents that result, prevents the focusing of the public mind on vital questions, just so far the beneficial results of the initiative and referendum are lost. In fact, half of the argument heretofore made in support of the initiative and referendum has been based upon the fact that it would be of great educational value to

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the people, but the chief argument for the indirect initiative is that it prevents practically all measures proposed by petition from going to the people. That is the very object of the indirect initiative. You notice that the men who are absolutely opposed to the principle of the initiative and referendum would accept the indirect initiative. Why? Because they believe it would prevent a great many questions from going to the people for consideration and discussion.

Mr. SMITH, of Hamilton: How can it possibly prevent any law petitioned for by the people from being put up to a vote?

Mr. CROSSER: The gentleman surely knows that the advantage claimed for the indirect initiative is that it would give the legislature a chance to act upon the proposed measure and thus prevent it from going to the people. A moment's reflection will satisfy you that that would be the result.

The opponents of the direct initiative claim that it would cause a flood of legislation and that every crank would be submitting his proposition to the people and having it enacted into law. Of course, that assumes that the great majority of the people are fools and when measures are submitted at an election they will vote for anything that is proposed by petition. That is an assumption which I cannot concede. I claim that the indirect initiative will cause a greater amount of vicious legislation than the direct initiative, for the reason that when there are presented to the legislature petitions containing from sixty to eighty thousand signatures demanding the passage of laws there is a tendency on the part of the legislature or even of the constitutional convention to pass the measure petitioned for under the frequently mistaken notion that the people as a whole demand it. The consequence is that the measure probably would not be submitted to the people; and it would not be submitted unless there should be filed another petition demanding its submission to the electors. I repeat, therefore, that a deluge of bad legislation would result more surely from the indirect initiative than ever from the direct initiative. I have seen much less than twenty thousand signatures come into the legislature in support of propositions which had very little merit in them, but simply because these petitions began to come to the legislature many men voted for the measures, thinking that there was a public demand for them, and they decided to give the public what it wanted. The legislature says, "Oh, yes, it is better to pass this law; we don't dare let it go to the people; it would be a reprimand to us if the people adopt it for we would be considered as having neglected our duties." So I claim that there will be more vicious legislation passed by this indirect initiative than by the direct initiative, because when a proposition must go to the people through the direct initiative the people have no ax to grind; they have no political fortunes at stake. They have nothing but their own best interests to consider, and they will go to the polls untrammelled to register their will as free born American citizens.

"But, oh," say the worshipers of the all-wise legislature, "the indirect initiative makes it possible for us to whip a measure into proper shape before this omniscient body and correct the form," and all that sort of thing. Did it ever occur to those gentlemen that the services

of this all-wise body called the legislature would always be at the people's command? If members of the legislature really desire to serve the public unselfishly they have the opportunity to do so as well in an issue before the people as before the legislature. Who will spend \$4,000 or \$5,000 to procure the necessary petition, running the risk of having it declared invalid for some inaccuracy, when he could go to that omniscient body and humbly inquire whether or not it is correct? "The legislature will whip the measure into proper form!" How gentlemen do like to roll that phrase, that sweet morsel under their tongues. You concede by your argument for the indirect initiative that the legislature should not touch any part of the substance of a proposed law; that the substance should not be changed in the slightest particular, but only the form. I will leave it to any man who has ever been in the general assembly or who has sat through five months of this Constitutional Convention to say whether any amendment of any consequence offered is not usually one which relates to substance rather than form? Be candid, gentlemen; is not that true? Take the taxation proposal. Every amendment offered to it was offered not for the purpose of changing the form but rather to get from the opposition, concessions as to substance. So with the liquor proposal. I cannot remember any proposition coming before the general assembly which did not have amendments offered to it which aimed not at a change of form but at a change in substance. The plan of going to the legislature first is a scheme to change the substance rather than the form and that should not be allowed. Opponents of the direct initiative will admit in argument that the substance should not be changed and claim that they only want to whip the measure into proper form, but a great many more vicious amendments are offered to a bill when it goes before the legislature than there are beneficial ones, and they seldom relate to form only. So as far as that argument is concerned, it amounts to nothing in my opinion and is more of an excuse than an argument.

When they say, "Your plan would require us to vote for every proposition in the form in which it is presented by the petition or not at all." Nothing of the kind. If these worshipers of the legislature are still disposed to procure an opportunity to vote for a somewhat different measure upon the same subject the means are obvious. They can circulate a petition and submit it to the people in competition with the original measure, present their arguments and say, "This is the reason why this proposition should be accepted rather than that." So that your argument that the people have only one proposition to accept or reject is one that vanishes as soon as it is examined.

But in my opinion the great advantage of the operation of the principle of direct legislation is not so much that you can compel the placing of certain laws upon the statute books, but rather the educational advantage to the people that is derived from it. I am not one of those who claim that the people do not make mistakes. They may make mistakes like the legislature. I heard my friend Bigelow make a very clever speech in Cleveland last fall in which he used this argument: "Did you ever see anybody learn to swim by proxy? Did you ever know of any one hiring an agent to learn the car-

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penyer trade for him?" Certainly not. So it is with the question of government; unless governmental problems are brought to the people for their solution you can never expect popular government to be what it should be.

When I hear men say that the people are too ignorant to govern themselves I wonder if those men have not thought of the educational advantage in the principle of direct legislation.

Now let us consider for a moment the conference, more odiously called the caucus. I sat here and heard President Bigelow tell the beautiful story about the palace of music. I saw the parallel, which was perfect until he reached one point. I saw the sixty-five men at the Hartman Hotel playing the same tune and I saw the beautiful palace called the initiative and referendum rising high into the clouds, and then I saw that assembly of sixty-five men march down in solid phalanx to this assembly hall and then heard the honorable president playing one tune while a great many members, myself among them, were playing a different tune; and I could not see what had become of that beautiful initiative and referendum palace which we in unison had played up into the atmosphere with our pipes. I consulted other players and found that ours was the tune which had raised the palace at the Hartman. I cannot understand what those men who broke the covenant were thinking about. Personally I have such a dislike for this indirect initiative that I would have liked nothing better than to offer an amendment striking it out of the proposal altogether. It has no place in a bill framed by men who believe in government by the people, but I felt in honor bound to stick by the agreement; I felt that I could not honorably offer an amendment striking out the indirect initiative, but it seems that there were a great many members who did not hold the same view that I have held, and consequently we did not get what I thought we had procured when the compromise was reached and solemnly agreed to. The real basis of the objections to the direct initiative is the objection to all forms of the initiative, and that is that the people are too ignorant to govern.

There was not one man who stood here and opposed this proposition before the Convention who did not expressly or impliedly claim that the people didn't know enough to pass laws themselves. That, gentlemen, has been the last cry of the enemy against every effort of the people at self government, progress and justice. That has been the roar of the tyrant at his helpless subject. That was the reply of King George to the American colonies. That has been the hypocritical whine of special advantage seekers and their nauseous puppets, and that is the masterly explanation now given to the American people by their representatives in council, in legislative halls and congress assembled. Self-government; Declaration of Independence; both wrong! Can the modest, sensible men of this Convention subscribe to such an heresy? No; a thousand times no! Let us begin the rebuke of such an infamous doctrine. Let us speed that bright day when the spirit of equality shall fill every heart; when the Goddess of Justice shall reign supreme in the land; when every man shall pay her homage and when the light of brotherly love shall shine from every eye. Then shall the men assembled in the legislative halls,

as the honored counsellors of the whole people, say to the self-seekers and their lackeys who come prowling in the shadows of the capitol with specious pleas for special privilege, "Begone! we have neither power nor wish to give title to what you seek; nor will your offers of reward nor your threats of calamity and destruction avail you. Away! take your cause to our great sovereign, the people; we are but sentinels to warn our masters against invaders of their fair estate." And to the suffering, miserable, humble men who come, followed by weeping wives and clamoring children; to these men who ask only that they may be heard in the forum of mankind as to the theft of their birthright, to them shall legislators say, "Yes, you shall be heard; aye, more, we shall plead your cause before that great jury, the people". Let us continue the war upon oligarchy until the enemy has been routed from every entrenchment and self-government has been established in city, state and nation. The fight will be bitter but,

Courage, then, ye men yet strong;
Gird up your loins, go join the throng,
Battle for freedom, long sung by the muse;
Leave not a foeman, heed no flag of truce.

And when the din of battle's o'er,
And selfish greed shall reign no more,
We'll hasten forth proclaiming then,
"Peace on earth, good will toward men."

Mr. STILWELL: I offer an amendment.

The amendment was read as follows:

First Division. In line 174, after "Ohio" and quotation marks insert "which style shall be an amendment to section 18, article II".

Second Division. At the end of the proposal add the following: "If approved by the electors the foregoing amendment shall go into effect on the first day of October, A. D. 1912."

Mr. STILWELL: I now move the previous question on the pending amendment and the proposal.

Mr. READ: I do not think it is fair to move the previous question on the proposal.

Mr. PECK: Why not?

The PRESIDENT: The motion is regularly made for the previous question.

Mr. DWYER: I demand of the chair to give us our rights. We are not serfs for anybody. We only want our rights from the chair as well as anybody else. What is before you?

The PRESIDENT: The president would like to ask the gentleman from Montgomery [Mr. DWYER] what he would do in the president's place?

Mr. DWYER: Treat all with respect. I will not submit to anything that is unfair.

The PRESIDENT: What would you do if the members make a motion for the previous question?

Mr. DWYER: What is before the Convention?

The PRESIDENT: The question is, "Shall debate close on the pending amendment?"

Mr. DWYER: Who seconded that motion? We have our rights and we will insist on them.

The PRESIDENT: If the members of the Convention do not wish the debate to close, their course is to

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vote down the motion and not rebuke the president because the motion has been made.

Mr. HOSKINS: Is this motion debatable?

The PRESIDENT: No; a motion for the previous question is not debatable. The question is, "Shall the debate close on the pending amendment?"

The motion was lost.

The PRESIDENT: The question is now on the adoption of the amendment of the gentleman from Cuyahoga [Mr. STILWELL].

Mr. PETTIT: I move the amendment of the delegate from Cuyahoga [Mr. STILWELL] be laid upon the table.

Mr. TAGGART: The first clause of that amendment is absolutely necessary. By unanimous consent, I would like to make a statement.

Consent was given.

Mr. TAGGART: Section 18 of article II provides as follows: "The style of the laws of this state shall be, 'Be it enacted by the general assembly of the state of Ohio.'"

Now, instead of what is proposed by the part of the Stilwell amendment, the proposal before the Convention will read as follows: "The style of all laws submitted by initiative petitions shall be, 'Be it enacted by the people of the state of Ohio,' and the style of all laws of the state shall be, 'Be it enacted by the general assembly of the state of Ohio,' to make it consistent.

The PRESIDENT: The president does not see how the question can be further divided.

Mr. LAMPSON: Will not the gentleman withdraw the motion to table?

Mr. PETTIT: I will withdraw it if they wish me to.

The PRESIDENT: The motion to table is withdrawn.

Mr. LAMPSON: Now let us have a division; and I call for a vote on the first part of the amendment.

The PRESIDENT: The question is, "Shall the first part of the amendment be adopted?"

The first division of the amendment was agreed to.

The PRESIDENT: The question now is upon the adoption of the second part of the amendment.

Mr. PETTIT: I now move to table the remaining part of this amendment.

Mr. KING: The yeas and nays on that. That is important.

Mr. FESS: I wish Mr. Pettit would withdraw that.

The PRESIDENT: The motion is not debatable.

Mr. PETTIT: My understanding is that whatever we do here in this Convention, whatever amendments we adopt, are not to go into effect, any of them, until the first of January, and why make a difference in this particular proposal?

The PRESIDENT: This is all out of order. The question is, "Shall the motion be tabled?"

The motion to table was lost.

Mr. DOTY: I offer an amendment.

The amendment was read as follows:

Strike out all after (X) in line 167 and all the following up to and including the first "be" in line 173, and substitute therefor the following: "first, for the measure proposed by initiative petition, second, for the measure substituted by the gen-

eral assembly, and, third, against both measures. If the number of votes cast against both measures exceeds the total number of votes cast for both, neither shall prevail; if the total number of votes cast for both exceeds the number cast against both, the measure shall prevail which receives the larger number of votes."

Mr. DOTY: The proposal as framed brings about this situation: It is necessary upon an alternative proposition initiated by the people. They submit alternative propositions with that which comes from the people. They put up the two questions upon the same matter before the people, and the provision in the proposal will require each voter to put two marks to indicate his desire or wish. The amendment I have presented simply makes it necessary for one voter to make one mark to exercise his will, and it has every advantage over the other in simplicity and in making it possible for certainty of votes, so that each elector with a greater degree of certainty registers his vote upon the pending proposition.

Mr. HOSKINS: Do I understand this is your diagram?

Mr. DOTY: This is a diagram which would result from my amendment if adopted: The word, "general assembly" will be there instead of "legislature."

Mr. HOSKINS: Wherein does that differ from the one provided in the proposal?

Mr. DOTY: The one provided in the proposal requires, first, a vote for either measure and then for one or the other, and then there are four places. It is a complicated design and very much more apt to confuse the voter and interfere with his exercise of the right to vote upon the alternative measures.

Mr. KRAMER: According to your proposition fifteen per cent of the voters of the state would carry almost any measure.

Mr. DOTY: That is true with the other, too. The only trouble with the other is that when fifteen or any other per cent try to vote one way a large per cent will make a mistake on account of there being two crosses, which will confuse their judgment, whereas they ought to be compelled to vote only with one cross.

Mr. KRAMER: If six per cent vote for and thirty against either measure and they are divided each equally, fifteen per cent will adopt the law.

Mr. DOTY: There is a difference in that. That is true either way, but under my amendment you get nearer the total vote of those who are trying to vote on the measure.

Mr. KRAMER: I am not quite sure they are the same.

Mr. DOTY: They are the same in their final effect, and the same disparity between majority and minority is there, but what I am trying to do now is to simplify the method of voting so that one mark can do what two does now in the proposal.

Mr. BEYER: If the voter will not place any mark in here, in the first two spaces, that shows he is against both measures, and the last one would not be necessary.

Mr. DOTY: No; under the division of all proposals if he makes no mark he has not voted. He has to make a mark to show that he is against it.

Vice President Fess here took the chair.

Mr. BIGELOW: A word about these amendments.

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We understand that the indirect initiative which permits a legislature to submit a competing measure requires the voter to say whether or not he wants any change made, and if so, which he prefers, the measure proposed by the initiative petition or the measure preferred by the legislature. This indirect form of initiative is something entirely novel. It has never been tried anywhere. It is called the Wisconsin plan. As a matter of fact it should be called the Ohio plan, because that was the first indirect initiative that was framed in the Ohio legislature, passing both branches of the legislature in 1908. That was borrowed by Wisconsin from Ohio, and that is where Senator LaFollette got it, and it was borrowed from there by California and Massachusetts. It has never been used, and we are without any experience to guide us. I have thought a very great deal about the form of the ballot and talked it over and over again with a good many members of the Convention, and, while I may be wrong, this seems to me to be the fairest and the simplest ballot, and I believe the proposal should be amended in this particular and this form of ballot submitted as the gentleman from Cuyahoga [Mr. DOTY] suggests.

Now, as to another amendment pending, the one offered by the member from Cuyahoga [Mr. STILWELL]: Do the members understand the purpose of this amendment which came so near being tabled? The president, by remarks before made, must have been thought to be in some sort of conspiracy to choke off discussion; but quite the contrary, the president was shaking in his boots lest discussion should be choked before the members realized the import of the amendment of Mr. Stilwell. What is the purpose? The purpose is this: That this provision for nonpartisan voting may become operative in time for the election this fall, so that the members of the general assembly to be elected this fall may be elected upon a nonpartisan ballot. Now the only reason for the initiative and referendum is the complaint that our legislatures, our general assemblies, have not been constituted of men of probity and ability. And it is a part of the whole struggle for true representative government not only to give the people the power to legislate for themselves, but also to improve the quality of our legislative bodies. I cannot think of anything that would do more than this amendment for a nonpartisan ballot to raise the standard in our general assembly, and to remove the necessity of the use of the initiative and referendum. Why, men are getting into the general assembly from Hamilton county, and it may be true from Cuyahoga county, who would not have a ghost of a chance of ever representing their county in those general assemblies if they had to stand on their own merits, but it is because they hide under some of the rest that they manage to get in here and getting in here, they bring discredit upon representative government. It is because of that sort of thing that we come to see the need of the initiative and referendum. Now the initiative and referendum are not a panacea for everything. It is not a cure-all. We have to improve the quality of our legislation. This is the most important proposal made in this Convention to improve the quality of our general assemblies, and I do hope that if it is a good thing the member from Adams will not insist upon his motion to table, and that nobody will try to choke it off, but that it may

be thoroughly discussed. If you believe it is a good thing for future years it is a good thing for this Convention to begin at once this principle of electing men because they are men and to cease voting for roosters and eagles and sending one bunch or the other to the legislature to represent us. Why, members have come to me suggesting that this will antagonize politicians and jeopardize the initiative and referendum; that it is fraught with danger to the initiative and referendum itself, and that we had better put it in some proposal that we are not so solicitous about as we are this initiative and referendum. It does not make much difference to me where it is put; I am not afraid that this nonpartisan proposal will defeat the initiative and referendum. It will draw some fire to it; it will bring a little blister, I admit, but the victory will be worth the struggle. Think what you will gain! We will not only gain, we will not only give the people the whip-hand over the state, but we will give the people a better legislature and give them less cause for wanting to use the whip-hand. Now I feel that this is so important that we can well afford in the interest of progressive government to sacrifice the other amendments that are proposed here. I would be willing to forego the direct initiative. I would be willing to leave the inhibitions, foolish, as I think they are, in the proposal. I would be willing to vote against any other changes than this suggested here and let the proposal stand as it is if you will have the nonpartisan provision in the proposal and make it so that it can go into effect at once. I believe we should hold out before the people of the state that this proposal with the indirect initiative as it stands, and with this change in the ballot and the nonpartisan feature, should go into effect at once, and on that we should win a victory over the combined political organizations of the state, and it will be indeed a victory for all of the people over all of the parties.

Mr. DWYER: I will accept the proposition for my part.

Mr. ANDERSON: In the first place, I wish to direct my remarks to the so-called Cassidy amendment that passed under rapid-fire action, and passed without a large number of the delegates knowing anything with reference to it. Now let us analyze it. In the first place it is a mongrel proposition. It is not nonpartisan. It is about as much nonpartisan as the election of judges. In other words, you have to invoke your party machinery to be nominated. You have to elect the convention. You have your county convention. You have your central conventions under the Cassidy amendment and then after the party selects its candidates it goes on a so-called nonpartisan ticket. Now if we are going to have nonpartisanship let us have it in its purity in the same manner in which delegates to this Convention were chosen, not through the use of party machinery in any way.

Mr. KING: Would not the legislature have full power?

Mr. ANDERSON: I am coming to that. The legislature has full power to act in that particular just the same as it did in regard to us before we came here. You are jeopardizing, and it is radicalism run riot. We are finding at the end of the Convention that which we expected at the beginning and that which the people of Ohio had a right to expect, and oh, how grateful they

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were that they were mistaken! This Constitutional Convention met here and some weeks after we met you know the sentiment in Ohio was against us. Every one of you knows that, because everywhere you went they were saying, "You can do what you please and we will not ratify it." But sentiment gradually changed and changed because it was not radicalism run riot. Now what are you doing? A great change in the policy has been precipitated in the last three minutes without any discussion for a minute. Premeditatedly, with malice aforethought, the Cassidy amendment—no, not the Cassidy amendment—is rushed through. I sat here in the early part of this Convention when certain people were proposing certain things with reference to the initiative and referendum, and if the initiative and referendum could have assumed human form and exercised its vocal cords it would have said, "Deliver me from my fool friends." And it is true now, and I am preaching now as a true friend, I believe, of the initiative and referendum. But before the Convention met, in Cincinnati, Toledo and elsewhere the cry was, "Don't put the recall in; soft pedal the recall. Let us get the initiative and referendum and after we get that we can get the other reforms." I say to you, you do not need a change in the constitution to get the proposed change for nonpartisan lawmakers, and I say to you any true initiative can put that in there. Why, this splendid proposition of the initiative and referendum the people have come to consider as settled and the people were going to vote for it. Then through that, if you cannot get it through the lawmaking body, get your reform. Oh, but you can't wait. We have asked to be given the initiative and referendum so that we can get the other so-called reforms through the initiative and referendum. Now you can talk as you please about politics and the difference between the boss that is in and the boss that is out, but just take Columbiana county. A democrat has not been elected in that county for fifty years. There are good, respectable decent men in control as leaders of the republican party in Columbiana county who are going to vote for this initiative and referendum. Take some democratic county, and you have bosses there, say good respectable men. Are they going to vote in favor of the initiative and referendum with this attached to it? Certainly not. Then what is the use of setting them over against the thing that is near to our hearts? I appeal to you, gentlemen who have not gone wild, to you friends of the initiative and referendum, to think it over. Think of the conditions in your own county and then vote accordingly. Is there a single solitary delegate that will say this will make votes for the proposal in his county?

Mr. HALENKAMP: Yes.

Mr. ANDERSON: In Hamilton county? This reformation is too sudden and of too recent growth for me to believe that.

Mr. DWYER: The men who sent out these insulting papers might do something.

Mr. ANDERSON: We have this situation with reference to the initiative and referendum: At certain places certain men have signed for an indirect initiative, signed a printed agreement that they would in no way assist in getting the direct initiative and signed it before the voters voted for them. It is now said there

that the man was guilty of false pretenses when he got into office under that and didn't vote for the direct initiative, and those dissatisfied have inspired abusive and coercive articles in that county.

Mr. MAUCK: It is a most mortifying fact, if it be a fact, that a hundred and nineteen members of this Constitutional Convention should have sat here since the ninth day of January last and have never had their attention called to the one paramount question, that is, the preservation of representative government through this nonpartisan abortion that has been hitched upon the initiative and referendum. It is to me a mortifying spectacle that a hundred and nineteen men, presumably inspired by honest motives to do the decent thing by the people of the state of Ohio, should never have had a suggestion made to them until within a few hours of the closing session that this is the one and only way to salvation. You can elect constables upon a partisan ticket, because, of course, great public questions are involved in the election of constables, but when it comes to the only local office that does involve some party principle you deny the right or co-operation. We must elect representatives and senators who in turn elect United State senators who vote according to political platforms of their respective parties, who vote to redistrict the state for congressional purposes, who in every way stand for party principles, only upon an independent ticket, while he who is to serve in the exalted office of township treasurer is to be determined by the people on a partisan ticket! I say it is no less than an outrage that men who have been loyally for the initiative and referendum should be brought in here and confronted with this miserable proposition in the closing hours of this Convention.

Mr. HOSKINS: Gentlemen of the Convention: I do not believe there is any one who has been a member of this Convention who has stood more firmly for the initiative and referendum in its pure form than I have. I came here pledged to a platform of that sort. I sat in a so-called caucus at the Hartman Hotel night after night trying to get a form of initiative and referendum upon which those in this Convention who believe in its principle could unite and carry through. That caucus was criticised far and near because of the attempt to formulate something in the caucus upon which we could all agree. Now I never had such a suggestion made to me. I never heard of any thing like the Cassidy amendment until I stood back of the rail right there and found so many men were standing up here to be counted for the nonpartisan election of members of the legislature. I want to say to you, gentlemen of the Convention, I believe in parties. I do not believe in a hide-bound party that would vote to take everything under all circumstances, but I do know and believe that history teaches us that every great reform in this country has been brought about by parties, and it is only by putting the masses of voters behind the parties that you can assert their will and accomplish any great reform in this country. I want to say to you that you cannot put your hand upon a single instance in history where reform has been accomplished except through the medium of a party. You may preach independence all you please and nonpartisanship all you please, but after all there is only one way to express your sentiment and that is through the party. Through the individual, no matter how strong

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the individual is, you cannot bring about reform. It is only when you centralize efforts and thoughts into party consideration and put them into a party platform and carry it through by party measures that you have accomplished any great reform. Just as the gentleman from Gallia [Mr. MAUCK] says, you can elect your constables on a nonpartisan ticket, but when you come to the consideration of democratic doctrine and republican doctrine or socialistic doctrine you can only express it through a party; and you socialists of all men cannot vote for this, because you cannot vote for anything that your party management has not indorsed.

Now I want to give you initiative and referendum men a warning. We have stood with you on that fight. It is the one proposition in all this Convention in which I am most deeply interested, and you have stabbed us in the back with an amendment. You have laid the foundation of initiative and referendum before the people, and unless you reverse the action of the Cassidy amendment my best judgment is that the initiative and referendum will be beaten before the people, and I want to warn you. I have as much interest in the initiative and referendum as the gentleman from Cuyahoga or the two gentlemen from Cuyahoga who are presumed to have written the amendment put in here this evening, and I want to warn you that they have not a right to put this up to you.

Mr. CROSSER: I am not included in those two, am I?

Mr. HOSKINS: No, sir; I am for your direct initiative and have stood for it from the beginning and accepted the indirect initiative as the best I could get. I do not believe it is becoming for the gentlemen from Cuyahoga to come in here the last days of the Convention and stab in the back those who have stood with them in the fight, and I want to say to you that you are going to lay the foundation of the defeat of the work of the Convention and the one proposition in which I have been most interested and to which I pledged myself to the people of my county before I came here. I ask you, friends of the initiative and referendum, you members of the caucus down at the Hartman Hotel, if you are going to put this in why didn't you put it in then? If it was such a paramount reform that it overshadowed everything else, why didn't you put it in down there and let us pass upon it there? Oh, no; it was never discussed until the Convention assembled tonight, and now it is a paramount proposition. I say it is unfair, and I move that the vote by which the Cassidy amendment was adopted be reconsidered.

Mr. ANDERSON: I second the motion.

The yeas and nays were demanded on the motion.

Mr. BEATTY, of Wood: I never heard of it. I believe in a nonpartisan elected legislature. I have been in the legislature and I have seen some of the very best measures that could be introduced defeated because we were partisan, and so I believe firmly in the nonpartisan election of the members of the general assembly. I heard the same question discussed when we introduced the proposition about the nonpartisan judges. They said the people would defeat the proposition. We saw the same thing right along and we saw it in this house when the republican party was lined up on one side and the democratic party on the other side and what-

ever the one wanted the other voted against. In Ohio everyone knows that you vote under the rooster and the eagle, but I am willing to do away with the rooster and the eagle and vote for men. I am a firm friend of the initiative and referendum, although I believe in the direct initiative in place of this mongrel indirect initiative. I believe in that firmly; I have advocated it always, but unless you can get a better class of men in the future than you have had in the last five or six years it won't do much good.

Now, I thank you for your kindness and I bid you all good-by.

Mr. WALKER: I want to say a few words about this. I believe with all my heart that the very best piece of work the Convention has done since convening, not even excepting the abolishing of the board of public works, was the work done a few minutes ago in placing this amendment in the initiative and referendum proposal. It was suggested if we would go back to our counties the friends of the initiative and referendum would vote against it because of its incorporation. For one, I shall go back to my county and my people and make a campaign all over the county, and I am confident I can get three times the number of votes for the proposal now since the incorporation of this amendment. We have heard it referred to a hundred times on the floor that it has been an advantage to the state to have a nonpartisan gathering in this Convention. The work of the legislature is identical with the work of this Convention, concerning the interests of the people, and if it is an advantage to have a constitutional convention nonpartisan, it is at least equally so to have the legislature nonpartisan. A legislature that stoops to do work for a political party is betraying the people that has elected it. If I were expecting to be a candidate on a political ticket for some office like governor I might want to have the legislature under my hand that I might whip it into line here and there as I pleased; but if I look at the matter purely from the standpoint of a patriotic citizen of Ohio, I fail to see where we are jeopardizing anybody's interest by asking that our legislature be made nonpartisan. What principle of government is invaded by this proposition? Absolutely none. It will resolve itself into this, that the question will be a question of selecting the best men and partyism will fall. There was a time when parties were needed. They represented great principles, and yet is there a man outside of these one hundred and nineteen men who, if I were to read the platform of the two great political parties respectively and omit therefrom all personal names and allusion purely to party accomplishments of the past, could tell which party platform I was reading?

DELEGATES: I can.

Mr. WALKER: I said outside of these intelligent one hundred and nineteen men. Outside of them who could do it? Today there is a wide difference between republicans and between democrats, wider than between the two parties. There are elements in each party; progressive elements in each party are nearly together. I think partyism has had its day and we are striking its death knell. In the future there may be a necessity for new parties or for party reform, and the people may rally around it and crystallize the idea and make a new government, but we are not face to face with that situa-

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tion today. This will win a multitude of votes for the initiative and referendum, and I hope that we shall not be stampeded by threats that it will jeopardize the initiative and referendum.

Mr. READ: I am a thorough believer in nonpartisanship, but at the same time partyism is crowned by the American people and I recognize that we cannot wipe out party lines at one fell swoop. I have always believed that the initiative and referendum, when it got into full practice, would wipe out party lines; that then the people, instead of rallying under the rooster or under the elephant or under some other sign, would rally under the banner of some principle and stay around that until they made it effective, and then when they got that accomplished they would turn to some other thing. There would then be alignments something like those in this Convention. There has been no true principle that has not resulted in an alignment. You have simply here carried out that nonpartisan idea and have rallied around principles according to your individual opinions, and that is an ideal condition. It would be an ideal system for the state and for the nation, but I think this is an attempt at the present time to force partyism on us. It is too sudden. We do not want to make the initiative and referendum nonpartisan by adopting a nonpartisan proposition, but we want the initiative and referendum itself to make the people nonpartisan and wipe out party lines, and in time it will do it. But do you gentlemen think that we are going to make nonpartisans out of the democrats or republicans who are nominated this fall? I am afraid we are attempting to do too much too suddenly and I hope that we will consider this matter very carefully.

Mr. HALFHILL: Mr. President and Gentlemen of the Convention: When the member from Holmes [Mr. WALKER] said in his very able speech a moment ago that this sounded the death knell of partyism in Ohio, he might have said it sounded the death knell of constitutionalism, for such would be the case. I believe political parties are the props and stays of a constitution, and without a constitution and political parties free government does not exist. You talk here about doing away with political parties and what are you trying to accomplish? You are absolutely, either openly or not knowingly, playing directly into the hands of the socialist party, for all of its doctrines aim at the complete democratization of the state. That is the foundation of it all. Here is the very latest authority on that subject, and I will read you an extract that you cannot deny from one of its well-known disciples:

Constitutions, representative government and political parties are thus intimately and indissolubly correlated with each other. They have common origin and together constitute one of the historical phases in the development of our political institutions.

Thus said Hillquit in his diatribe against political parties and constitutions and favoring state socialism by wiping out all political parties and doing away with all political platforms.

So that all you have to look to is the history of our own country. We had no political parties here until after the adoption of the federal constitution, and then

they came into immediate existence. It is through them and by their means and their declarations of principles that we have carried forward the purposes of our constitution and worked out our victories under that constitution. What do you vote for? You vote for a representative who represents certain principles crystallized into a platform. You talk about voting under "an eagle" or voting under "a rooster," and you talk about making your legislation better and your congress better by picking out an individual here and there that is not responsible to anything or anybody and stands upon his own platform of principles, something that he publishes for himself. When you vote under your party emblem you vote for a platform of principles, and without that we cannot accomplish anything. We cannot accomplish by individual effort of any man, be he ever so good, the utopian things preached to us here in these speeches—"Utopia," the "nowhere" of the Greeks, the ideal of the socialists.

So, gentlemen of the Convention, I hope you will think this over carefully on the question of reconsideration which is now before you. I know that some of you that believe in the direct form of initiative and referendum, the extreme form, will say that I am no friend of the initiative and referendum, and so far as the direct initiative and referendum is concerned, which is what a lot of you want, I am not a friend of it. I am a friend of the initiative and referendum as it has been argued here by some of these gentlemen who tell you that they are in favor of the initiative and referendum because it will help carry out and bolster up representative government. If it does that, well and good, and I think that that indirect form of the initiative is safe, but I am not in favor of anything reactionary. I am not in favor of the direct initiative, because I believe it is a backward step and a stab at representative government. I am in favor of the initiative and referendum which will help carry into effect representative government and not do away with it. So, gentlemen, I hope when the time comes to vote on this you will take that feature out of the proposal.

Mr. THOMAS: Are you aware of the fact that the Indianapolis convention of socialists did not agree with Mr. Hillquit on that subject?

Mr. HALFHILL: Do you agree with the socialists on that proposition?

Mr. THOMAS: I voted against that proposition.

Mr. HALFHILL: Very well. While the lamp holds out to burn, the vilest sinner may return.

Mr. TANNEHILL: Mr. President and Gentlemen of the Convention: I do not suppose there is a man in this Convention that has a thicker coat of political moss on his back than I have, and yet I am mighty glad to support this amendment. Some of these gentlemen who are afraid the other party is going to be killed, in my judgment along in November, when we need them in the fight, are always absent. I have noticed these fellows throughout the year who are afraid that the party is going to be crucified. When the November days come and you need them in the work they are not there. There is not a more partisan man in this Convention than I am, but I am for this amendment. It will not destroy parties. It will make parties nominate better men. Do you think a party that is in a majority in a county and

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that puts up a decent man is going to have the man defeated under this system? It is only when the majority party makes a mistake that he will be defeated under this system, and is there a man here who does not think that he should be defeated? There is nothing in this amendment to destroy parties, nothing of the kind. It is a most sensible measure in my opinion, one of the most sensible that has been offered here in the whole history of this Convention and it does not at all destroy parties.

Mr. LAMPSON: If that is not the natural tendency what is the real fact?

Mr. TANNEHILL: To force the parties to nominate good men.

Mr. LAMPSON: After having nominated a good man, why not let those men be upon a party ticket?

Mr. TANNEHILL: Because they ought not to be permitted to force their bad men through by forcing anyone to vote for the whole ticket. That is the policy now.

Mr. LAMPSON: But they are party nominations?

Mr. TANNEHILL: It is a policy now, and you know it as well as I do, that all over the state of Ohio there are men who go to the legislature for both parties who ought not to be there and who would not be there at all if they were not hidden among a lot of other names so that the voters cannot scratch their names easily.

Mr. HOSKINS: Under the present law is it not a fact that every member of the legislature nominated must be nominated by the people of his party and the people constituting his party can be relied upon to select good men?

Mr. TANNEHILL: Wherever you leave that to the people.

Mr. HOSKINS: I live in a county where the people have been doing that ever since I have been voting.

Mr. TANNEHILL: You ought to take your county out of the state. It is too good to be in this state.

Mr. HOSKINS: If you have a corrupt county and a few corrupt voters, do you think it is right to assume that all the rest of the state are just like these corrupt voters?

Mr. TANNEHILL: I have been in other counties than in Morgan county for twenty years and I have gotten to know not only what is going on in Morgan county but in some other counties too.

Mr. HOSKINS: I cannot answer for all the rest of the counties—

Mr. TANNEHILL: I doubt whether you can answer for Auglaize county on this.

Mr. HARRIS, of Hamilton: Would not the tendency on this nonpartisan ballot for the legislature be to eliminate the densely illiterate white and black and yellow mixed vote?

Mr. TANNEHILL: I think so, and I wish we could do it. And I want to say this to the gentleman from Auglaize: It will not be four years until there will be no roosters or eagles on your tickets. You had better wake up. This is the movement throughout the country. It will just take about four years to wind that up.

Mr. HURSH: I refrained from discussing this question on the second reading of this proposition, but no man who has talked to me in this Convention can question my position upon the initiative and referendum.

I presume I am one of the radicals of this Convention. I am in favor of the direct initiative, and if you will pardon me for being personal, I want to say to you that when I made the race for this position the initiative and referendum were my whole platform, and to me upon the initiative and referendum hang all the laws and the prophets. I would rather see every other measure that the Convention has adopted lost than this one, because this is for the people, and here am I standing and here I shall continue to stand.

As I said before, no one can question my loyalty to the direct initiative and you cannot go too far for me. I will indorse everything that has been said here tonight in favor of a nonpartisan ballot, but I love the initiative and referendum so well that I this minute protest and demand that we do not put the most effective club in the hands of its enemies that can be used to club it to death, and that is by denying the party the right to have their candidates voted for as belonging to a party. I do not propose to put the machinery of both political parties in such shape that it can be used as a club against the initiative and referendum.

We have been told that the legislature has power to provide for a nonpartisan ballot, and I am in favor of a nonpartisan ballot, but I am not in favor of this Cassidy amendment because it is going to tend to defeat the initiative and referendum. I happen to know a little about politics, and while a great many have freed themselves from the shackles of partisanship, I want to assure you that a great big minority—possibly a majority in many counties—yet will follow the dictates of their party organizations, and if it can be shown that they will be worsted in the fight this fall we are jeopardizing this proposition, because some men are so eager for political gain that they will even sacrifice the initiative and referendum. I want the direct initiative. I want all the things that go with it, and as the years go by the friends of the principle can get everything. Some of you do not seem to understand why certain things have been going in certain ways in the last few days and especially during the last primary. Do you not understand that it is not the popularity of certain candidates, that it is not the unpopularity of certain candidates, but that it is this great progressive movement that has gone forward so rapidly? Do you not understand that we have come to the parting of the ways in the principles of government? Do you not begin to realize that the time has come for the renewal of that continuous conflict that has gone on since the dawn of history, in which the privileged and the ruling class on one side and the working class on the other side have been the parties? Do you not understand that the working class that has paid tribute to privilege has risen and is demanding that every man shall receive the full product of his toil? Let us put ourselves in the spirit of the time. I do hope that the amendment of the gentleman from Cuyahoga [Mr. CROSSER], the direct initiative, will be included in this proposal and I want to warn you as one who loves the initiative and referendum better than every other proposition that has been brought up here and passed through this Convention, while I am for a nonpartisan ticket when the time comes, let us not, in all seriousness, at this immediate time jeopardize this proposition that is worth more to us and will be worth more to us in the

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future and more to our children and children's children than anything we have done in this Convention. Gentlemen, I appeal to you that we may get this nonpartisan proposition even through the initiative and referendum later, but let us not lay one barrier in the way of preventing the adoption of the latter now.

Mr. SMITH, of Hamilton: If I thought a nonpartisan legislature would injure in the slightest the initiative and referendum I would be against the Cassidy amendment. I feel that the men who are going to vote against the initiative and referendum because of the nonpartisan legislative provision would vote against the initiative and referendum itself. The amendment of Mr. Cassidy provides for an alphabetical arrangement of candidates for the legislature and at the proper time some one ought to offer an amendment similar to the one I hold in my hand to instruct the committee on Arrangement and Phraseology to provide in some way that the names of the candidates may be rotated as our names were when we ran for delegates to this Convention.

Now, Mr. President, the Cassidy amendment simply provides that the people of this state in the future shall vote for men instead of voting for birds, and if there is no one who cares to speak I would to move—

Mr. WOODS: I would like to ask the member from Hamilton a question. Suppose this proposition for a nonpartisan election of members of the general assembly goes into this proposal and the amendment of our friend from Cuyahoga [Mr. CROSSER] providing that this proposal take effect on the first of October is adopted. Explain to this Convention how you the going to make it workable before the general assembly meets? How are you going to get your tickets printed this fall?

Mr. SMITH, of Hamilton. Frankly, I do not see the necessity of the amendment of the gentleman from Cuyahoga specifying the date when this shall go into effect. It seems to me that if we do not make any provision in regard to the matter it will go into effect upon the date it carries at the polls. This amendment of Mr. Cassidy does not provide anything in regard to nominations or the manner in which the candidate shall be nominated, but simply provides in very simple language, which does not require any legislative provision to carry it into effect, that the ballot drawn up by the election boards in this state must provide that the names shall appear on the ballot without any party designation of any kind.

Mr. ANDERSON: Do you not think that as important a proposition as this should have come in a regular way and gone to a committee and been reported out and then discussed upon the floor of the Convention as other proposals were? Of course, you cannot believe it only came into the minds of certain members now, can you? Do you not think it is dangerous to make such an amendment of the work of the Convention on third reading?

Mr. SMITH, of Hamilton: I think the matter should be given thorough consideration, and I hope nobody will move the previous question until everybody is satisfied that he can vote intelligently, but it has been in the minds of many members for a long time that something should be done to provide for a nonpartisan election of county officials. I have been anxious for some provision of this kind to be applied to the judiciary.

Mr. HOSKINS: Was not there an independent pro-

posal put in here providing for nonpartisan election of members of the general assembly and did not this Convention vote a good many weeks ago to indefinitely postpone that proposition?

Mr. SMITH, of Hamilton: I do not know, but if the gentleman says so I have no doubt it is so. I have no recollection of any committee reporting such a proposal out to this Convention.

Mr. LAMPSON: Mr. President and Gentlemen of the Convention: I believe I have voted to submit thirty-nine out of the forty-one proposals, and I have been feeling in recent weeks that so far as most of them are concerned I can go home and recommend their adoption to my constituents. I hope that in the closing hours of this Convention we shall not do anything which will change or modify the good reputation which I believe this Convention has been gathering for itself for the past two weeks. I feel that we have been gaining the confidence of the people. And now, right on the eve of the close of the Convention if we inject into our proposals things which have not been discussed and carefully considered, or things which have been discussed and were rejected without fair discussion, and some of them by compromise, as in the case of the direct initiative, and some other things that I might mention, we will adjourn this Convention with a very different atmosphere surrounding it from that which has prevailed up until tonight, and I warn you, gentlemen, against this experimental proposition. Now, without making any charge at all, because my mathematics are always more or less complicated, I want to show you what might happen if the amendment of the gentleman from Cuyahoga is adopted hastily here without consideration in regard to the form of the ballot. You have the slips upon your table and I will ask you to put the number 40 into the first blank and "\$10,000,000 for good roads" in the first line. Put 41 into the second place and \$50,000,000 for good roads" right here, and put 80 in the third opposite "Against both measures," and see what will be the result of that kind of a vote upon the good-roads proposal to issue bonds. There is first one proposition for \$10,000,000 and then a competitive proposition for \$50,000,000. The first proposition would receive 40 votes and the competitive proposition would receive 41 votes, and "Against both measures," would receive 80. The result would be that the \$50,000,000 proposition with forty-one votes would be adopted, when there would be 120 votes against it.

Mr. DOTY: A hundred and twenty votes against?

Mr. LAMPSON: Yes.

Mr. DOTY: Eighty votes against.

Mr. LAMPSON: No, sir. Forty were willing to issue \$10,000,000 and no more, and 41 were willing to vote to issue \$50,000,000 and 80 were not willing to do it at all. You have a hundred and twenty votes voting against the \$50,000,000 proposition and yet 41 votes for the \$50,000,000 carries it.

Mr. DOTY: Well, what do you suggest?

Mr. LAMPSON: It is a complicated proposition and I have not figured it out, but I have figured far enough to see that that will not do.

Mr. DOTY: Have you figured the other?

Mr. LAMPSON: It would be the same. You vote for or against both propositions.

Mr. DOTY: You vote twice.

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Mr. LAMPSON: I am calling attention to that. I do not think that we should adopt that kind of a proposition hastily, because you cannot get away from that kind of a proposition that 120 have voted against and 41 voted for the \$50,000,000 proposition and yet you say that it carried.

Mr. PECK: I very much regret the adoption of this Cassidy amendment. We had, after careful consultation, agreed upon a measure satisfactory to a great majority of the Convention, a measure that we believed would be satisfactory to the people and there are reasons so to believe, as far as we can ascertain the temper of the people on the subject. The initiative and referendum proposal is the greatest and most important subject before the Convention. If this program were properly settled we would not fear to go before the people with something that sooner or later would be satisfactory to everybody who is in favor of that reform, as much so as could be hoped for. But now we have injected into this an entirely new element, something that is not relevant to it, and this proposal nowhere relates to the election of anybody or any man or any official. It is not a measure for that purpose. It is a measure for the purpose of regulating legislation, prescribing the mode in which legislation should be brought about. It is not a measure for the election of officers of any kind, and here we come and inject into it a measure providing a mode of electing members of the general assembly, something that is entirely foreign to the initiative and referendum proposal, something, as the gentleman from Hardin has pointed out, that puts in the hands of the enemy, in view of the peculiar situation existing, a very dangerous weapon which might be the means of destroying the initiative and referendum altogether. I regard it as a very dangerous experiment. I think that this is a situation where all friends of the initiative and referendum should say let well enough alone. Don't tamper with that good proposition, but let it go before the people. The people are satisfied with it and they expect to vote for it. Now you inject in there a new element, foreign to it, suddenly and unexpectedly, an element that interferes with their arrangement for the approaching election, that will enrage all the enemies and all the political organizations in the state and settle them against your proposal, because you have it in the proposal and the only way you can defeat that clause is to defeat the whole proposal. You are endangering everything that we are all so anxious to have adopted. I do not think it is wise or prudent. I do not think any wise political manager would ever go before the people in that way, and I hope this Convention will not, at the last minute, do a thing like this that will injure its greatest work.

Mr. BROWN, of Highland: It is very easy to see how the wind will blow if this is submitted with the initiative and referendum by observing what the politicians will do under those conditions. Now we have Mr. Lampson, who is a candidate for congressman-at-large; we also have Mr. Anderson, who wants to be governor, and we have the gentleman from Allen, who is a candidate for governor. All of these men have able organizations and these organizations have sub-organizations in every voting precinct in the counties from which they come, and the persons who will vote upon this amendment will do just as they have always done

before. They will go to the leader in that particular precinct and say, "How shall we vote?" And he will tell them to vote against the initiative and referendum because of this particular rider on it. I am in favor of it myself, am committed to it and I indorse everything the president said with reference to nonpartisan voting and when this comes up for a vote I will vote in favor of submitting it with the initiative and referendum because I believe in it from principle, but I do doubt the wisdom of it, and therefore I warn you if there is anything that can defeat the initiative and referendum or anything proposed that will go far toward defeating it, it will be this particular thing. There does not seem to be any doubt about it. Now, whenever you propose a change the persons controlling the organizations of political power are going to set their little acolytes to work to influence the voters in every small community against the thing which will tend to dethrone them.

Mr. FACKLER: Will that power of which you speak neutralize itself? In other words, in the counties where there is a minority party, that party and its organization would be just as much in favor of this as the other party would be against.

Mr. ANDERSON: That minority party is never so well organized as the majority party. It will incur the opposition of the party best organized.

Mr. BROWN, of Highland: I am in favor of it and will vote for it, but I believe it is bad judgment to put it in here now.

Mr. FESS: I, in company with many others who have spoken, believe in a thorough nonpartisan ballot for the good that may result from it. I believe also in taking the emblems off the ticket so that we may be insured a more intelligent vote by the individual voter. I am in favor of reducing the tyranny of the political organizations if possible. I do not think, however, that you can entirely eliminate political parties, for wherever you have a difference of opinion that will always formulate itself in organization, and if difference in political life obtains, it will always show itself in political organization and it makes no difference what sort of government we have. You have political organizations in democratic England. You also have political organizations in governments that are not so democratic. You always have political parties. There is no doubt about that. I would be in favor of reducing the tyranny of political organizations if we can and also increase the intelligence of the individual voters so that they will not be voted as groups. I am in favor of that, but, gentlemen of the Convention, that can be done by the legislature without our jeopardizing anything we have done here. I am afraid, as a friend of this measure and also as one who is interested in getting it in shape to be united upon, that injecting this at this time involves the sure defeat of the initiative and referendum at the polls. I am afraid of it for this reason: This will not be spoken of by the politicians as the initiative and referendum, but will be spoken of by them as an attempt to destroy political parties, and they will go out all over the state and use that argument against it. Now, gentlemen, since we can reach the nonpartisan ballot without putting it in here, why should we do it when it endangers the initiative and referendum question? Why not withhold it and keep it out of this place and save the initiative and referendum principle

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and then get the nonpartisan ballot later on? It seems to me quite unwise to put it in, and I do hope that you will reconsider the vote by which the Cassidy amendment was carried and do away with it.

Mr. HURSH: Do you think there is any law or vehicle by which we can successfully get a nonpartisan ballot except here?

Mr. FESS: I believe we have discussed this question thoroughly and I call for the previous question on the reconsideration.

Mr. DOTY: And I demand the yeas and nays.

The yeas and nays were taken, and resulted—yeas 55, nays 51, as follows:

Those who voted in the affirmative are:

Anderson,	Hursh,	Okey,
Antrim,	Johnson, Williams,	Partington,
Baum,	Jones,	Peck,
Beyer,	Keller,	Pettit,
Bowdle,	Knight,	Read,
Brown, Pike,	Kramer,	Riley,
Collett,	Kunkel,	Rockel,
Colton,	Lambert,	Rorick,
Cordes,	Lampson,	Shaw,
Crites,	Leete,	Smith, Geauga,
Dwyer,	Ludey,	Stewart,
Eby,	Marriott,	Tetlow,
Elson,	Marshall,	Thomas,
Fess,	Mauck,	Wagner,
Fluke,	McClelland,	Watson,
Fox,	Miller, Crawford,	Winn,
Halfhill,	Miller, Ottawa,	Wise,
Harris, Ashtabula,	Moore,	Woods.
Hoskins,		

Those who voted in the negative are:

Beatty, Morrow,	Halenkamp,	Nye,
Brown, Highland,	Harbarger,	Pierce,
Cassidy,	Harris, Hamilton,	Price,
Cody,	Harter, Huron,	Redington,
Crosser,	Harter, Stark,	Roehm,
Cunningham,	Henderson,	Shaffer,
Davio,	Hoffman,	Smith, Hamilton,
Donahey,	Johnson, Madison,	Solether,
Doty,	Kehoe,	Stalter,
Dunlap,	Kerr,	Stamm,
Dunn,	Kilpatrick,	Stevens,
Earnhart,	King,	Stilwell,
Fackler,	Leslie,	Taggart,
Farnsworth,	Longstreth,	Tannehill,
Farrell,	Malin,	Walker,
FitzSimons,	Matthews,	Weybrecht,
Hahn,	Miller, Fairfield,	Mr. President.

So the motion to reconsider was carried.

The PRESIDENT: The motion to reconsider the amendment prevails and the amendment is now before the Convention. The question is on the adoption of the amendment.

Mr. WOODS: I move that the amendment be laid upon the table and upon that I demand the yeas and nays.

The yeas and nays were taken, and resulted—yeas 54, nays 55, as follows:

Those who voted in the affirmative are:

Anderson,	Colton,	Harris, Ashtabula,
Antrim,	Cordes,	Hoskins,
Baum,	Dwyer,	Hursh,
Beatty, Morrow,	Eby,	Johnson, Williams,
Beyer,	Elson,	Jones,
Bowdle,	Fess,	Keller,
Brown, Pike,	Fluke,	Knight,
Campbell,	Fox,	Kramer,
Collett,	Halfhill,	Kunkel,

Lambert,	Miller, Ottawa,	Rockel,
Lampson,	Norris,	Rorick,
Leete,	Okey,	Shaw,
Ludey,	Partington,	Smith, Geauga,
Marriott,	Peck,	Stewart,
Marshall,	Peters,	Tetlow,
Mauck,	Pettit,	Winn,
McClelland,	Read,	Wise,
Miller, Crawford,	Riley,	Woods,

Those who voted in the negative are:

Brown, Highland,	Harbarger,	Pierce,
Cassidy,	Harris, Hamilton,	Price,
Cody,	Harter, Huron,	Roehm,
Crites,	Harter, Stark,	Shaffer,
Crosser,	Henderson,	Smith, Hamilton,
Cunningham,	Hoffman,	Solether,
Davio,	Johnson, Madison,	Stalter,
DeFrees,	Kehoe,	Stamm,
Donahey,	Kerr,	Stevens,
Doty,	Kilpatrick,	Stilwell,
Dunlap,	King,	Taggart,
Dunn,	Leslie,	Tannehill,
Earnhart,	Longstreth,	Thomas,
Fackler,	Malin,	Wagner,
Farnsworth,	Matthews,	Walker,
Farrell,	Miller, Fairfield,	Watson,
FitzSimons,	Moore,	Weybrecht,
Hahn,	Nye,	Mr. President.
Halenkamp,		

So the motion to table was lost.

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

Mr. LAMPSON: I think it is perfectly evident that the amendment of Mr. Doty will not do and I move to lay that on the table.

Mr. DOTY: Mr. Lampson and I have been talking it over and the proposal is just as wrong as my amendment. There will have to be some way worked out different from that either of us has, and I withdraw the amendment so as to make room for amendment.

Mr. FACKLER: I move the previous question on the pending amendments, except the Crosser amendment.

The PRESIDENT: We had three amendments pending and then one was reconsidered; so we have four amendments pending. It seems to me it is proper to receive an amendment to this one that has been reconsidered because that is before the Convention. At any rate the president will so rule and the member from Defiance and the member from Cuyahoga [Mr. THOMAS] both have leave to offer amendments.

Mr. THOMAS: I offer an amendment.

The amendment was read as follows:

Strike out the words in lines 1 and 2 "without party designation thereon" and insert period after the word "ballot" in first line and the following: "To the name of each candidate shall be added in initials the party or political designation as the name appears in the certificate of nomination or nomination papers."

Mr. THOMAS: I am heartily in favor of a separate ballot for the election of legislative candidates. The Massachusetts provision which Mr. Fackler spoke about is a facsimile of what is asked for in my amendment and it covers the proposition.

Mr. BROWN, of Highland: I move that this amendment be laid upon the table.

The motion to table was carried.

Mr. WINN: I now offer an amendment to the amendment of Mr. Cassidy.

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The amendment was read as follows:

Strike out the following: "the members shall be elected by a separate ballot without party designation thereon. The names of all candidates for the senate and house of representatives shall be separate with proper designations for each and shall be alphabetically arranged upon the ballot" and in lieu of the words so stricken out insert the following: "Members of both branches of the general assembly shall be elected upon a separate ballot without party designation thereon, and such ballot shall be prepared and printed as follows: The number of ballots to be printed for any county shall be divided by the number of candidates for members of the house of representatives or of the senate, as the case may be, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed. The names of candidates for members of the house of representatives and for members of the senate shall be arranged as to each in alphabetical order and the first series of ballots printed. Then the first name shall be placed last and the next series printed, and the process shall be repeated in the same manner until each name shall have been first. These ballots shall then be combined in tablets, those containing the candidates for members of the house of representatives separate from those containing the names of candidates for the senate with no two of the same order of names together except where there is but one candidate."

Mr. WINN: This paper was prepared while debate was going on, but is practically a copy of the statute calling into existence this Convention and providing for the manner in which the names shall appear upon the ballot. I have attempted to change the words sufficiently only to make it applicable to members of the general assembly instead of the members of the constitutional convention, and it provides that the names shall be changed in their position so that each candidate will appear part of the time on each part of the ballot.

Mr. ELSON: How about nominations?

Mr. WINN: I am not dealing with nominations.

Mr. ELSON: How about the number of candidates?

Mr. WINN: I am not thinking about that.

Mr. ELSON: Is there any limit to the number?

Mr. WINN: No.

Mr. WOODS: I am against this proposition in this shape and I want to tell you why. I tried in the legislature several years to take the circles and emblems off the ballots and they ought to be taken off. I do not believe in voting a ticket with an eagle on it or a rooster on it. I would make the voter go down the line and mark every man he wanted to vote for. But now just stop for a minute and think what you are doing. We have a whole volume of election laws in Ohio. You cannot put anything like this into the constitution without so balling up the whole election laws that we won't know where we are this fall. You cannot provide for something like this in our constitution without knocking out a whole lot of sections of the statutes. If you put this proposition into the constitution and it is ratified by the people I want to say to you the governor of this state

will have to call the general assembly in extra session before you can have an election this fall. If you take time to look at the election laws and see what we are doing to them you will not consider doing this thing. It is simply ridiculous. It is just like changing the penalty for murder. You cannot do that without balling up our criminal statutes. You cannot change this without making unconstitutional a lot of election statutes now on the books. Now you may think this is a laughing matter, but it is not. It is a serious matter. We are going to have an election in the fall. There are one and a half million people here who want to have a chance to go to the polls and vote for Theodore Roosevelt. Now another thing. What is the use of mixing this up with your initiative and referendum? You ought not to mix this subject up with that. If this proposition is to be submitted it ought to be submitted separately and not mixed up with any other. You cannot afford to mix it up. You are going to have a whole lot of politicians against you if you do. I tried in the legislature to get these circles and emblems taken off and I didn't have any more chance than a snowball in hades. You have an opportunity to get the initiative and referendum now, and if you are wise you will not mix that up with this proposition.

Mr. HALFHILL: I would like to know if the member from Medina is now announcing his platform as congressman-at-large?

Mr. WOODS: No; I am not.

Mr. ANDERSON: I want to call attention of the friends of the initiative and referendum to the confusion they were in when they were voting for this amendment. Such advocates of the initiative and referendum as Mr. Crites, who for years and years has been going around over Ohio preaching the benefits of the great reform that will come through the initiative and referendum, and then my friend Judge King over there, another strong advocate of representative government, and then another strong advocate of the initiative and referendum, my friend from the suburbs of Youngstown, Judge Kerr—

Mr. NORRIS: Do you think that ten members of this Convention believe that you are sincere?

Mr. ANDERSON: It is hard for me to say what men think, but I can tell how they vote when they vote, and I want to say in all seriousness that the votes that I have registered have not been induced by politics or any idea of politics, and I appeal to members of the Convention if that is not true. I have not sidestepped anything, and I have not tried to get out of the way of any issue. I have stood here and told what I honestly believe, and I have let matters take care of themselves. Nothing that I have done has been induced by any hope of political preferment. I am in favor of the initiative and referendum, but I cannot be in favor of this proposition injected here at the last minute. I think it is a stab at the initiative and referendum, and I think it will injure the proposal. I voted to reconsider it. I think this amendment is worse than the calico patch referred to by my friend Stevens, and that I am right is indicated by the votes of the strong advocates of the initiative and referendum.

Mr. Anderson yielded the floor for a motion to recess.

On motion of Mr. Watson the Convention recessed until tomorrow morning at nine o'clock.