

TENTH DAY

EVENING SESSION.

MONDAY, January 29, 1912.

The Convention met pursuant to adjournment, was called to order by the president, and opened with prayer by the member from Clermont [Mr. DUNN].

The journal of Thursday, January 25, was read.

The PRESIDENT: Are there any corrections to be made to the journal?

Mr. MOORE: I understand there has been some information gathered in regard to the probable cost of printing and publishing the debates of this Convention, and I move the resolution whereby we authorized it be reconsidered.

The motion was seconded.

The PRESIDENT: That is out of order. We have not approved the journal. The president would like to call attention to an error. The name of Mayor Hunt should be changed from Harry C. to Henry T.

Mr. HALFHILL: I asked a leave of absence for my neighbor, Mr. Holtz. I do not find that noted.

The PRESIDENT: If there is no objection that will be noted.

PETITIONS AND MEMORIALS.

Mr. Harbarger presented the petition of Sara M. Fletcher, president, and Mrs. Chas. W. Lentz, secretary of the Columbus Equal Suffrage Society and other women of Franklin county, relative to equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Harbarger presented the petition of officers North Side Christian Temperance Union and two hundred other citizens of Franklin county against the licensing of the liquor traffic and in favor of equal suffrage; which was referred to the committee on Liquor Traffic.

Mr. Harbarger presented the petition of Mrs. Mary N. Keister, president, and sixty-seven members of the W. C. T. U. of Westerville, against the licensing of liquor traffic and in favor of woman's suffrage; which was referred to the committee on Liquor Traffic.

Mr. Doty presented the petition of the W. C. T. U. of Cuyahoga county, protesting against high license; which was referred to the committee on Liquor Traffic.

Mr. Doty presented the petition of Jaite W. C. T. U. of Berea, protesting against high license; which was referred to the committee on Liquor Traffic.

Mr. Doty presented the petition of L. B. Bacon, secretary Men's League for woman's suffrage, asking for suffrage for women; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. DeFrees presented the resolution of W. M. Peterson, legislative secretary Miami Grange No. 1441, and other citizens of Miami county, protesting against high license; which was referred to the committee on Liquor Traffic.

Mr. DeFrees presented the petition of Piqua Civic Alliance and other citizens of Miami county, relative to the traffic in intoxicating liquors; which was referred to the committee on Liquor Traffic.

Mr. Kilpatrick presented the resolution of the Personal Workers' League, eight hundred strong, against inserting

a license clause in the constitution; which was referred to the committee on Liquor Traffic.

Mr. Kilpatrick presented the resolution of the Methodist Episcopal church, of Niles, Ohio, against a license clause; which was referred to the committee on Liquor Traffic.

MOTIONS AND RESOLUTIONS.

Mr. MOORE: Is my motion in order now?

The PRESIDENT: Yes, sir.

Mr. MOORE: I move a reconsideration of Resolution No. 35, in regard to the reporting, printing and publishing of debates of this Convention.

Mr. HALFHILL: I second the motion.

Mr. DOTY: I would like to ask the member from Muskingum [Mr. MOORE] a question, if I may.

The PRESIDENT: Does the member yield?

Mr. MOORE: Yes, sir.

Mr. DOTY: What is the particular reason for making a motion to reconsider? What is the object of it?

Mr. MOORE: On the cost of publication.

Mr. DOTY: I understand you to say that there has been additional information gathered on that subject?

Mr. MOORE: Yes, sir.

Mr. DOTY: Who has gathered it?

Mr. MOORE: Senator Beatty and others; that will come out in the debate.

Mr. DOTY: I did not know that was true, being a member charged with the duty of gathering information, and being out of town I wanted to find out what the information was. Is it the member's notion that the question of reporting debates ought to be reconsidered, or the printing or method of printing, or what is the particular thing that should be reconsidered?

Mr. MOORE: Printing and publication.

Mr. DOTY: Not the question of whether we shall have the debates reported?

Mr. MOORE: No, sir.

Mr. DOTY: The question of getting at the method of printing, how many shall be printed and how they shall be distributed can be reached in another way. The question then of reconsideration would not be so necessary in the opinion of the member from Muskingum [Mr. MOORE]. What you are seeking to bring about is a reconsideration of the printing and publishing, not the reporting?

Mr. MOORE: I want to get a little more information before the Convention as to the cost of reporting, printing and publishing. I said reporting in my motion.

Mr. DOTY: In answer to my question, I understand what you wanted to get at was additional information on printing and publishing.

Mr. MOORE: I have it written here reporting, printing and publication.

Mr. DOTY: More information on the whole subject?

Mr. MOORE: Yes, sir. The question whether it should be reported, published and printed. I want to get all the information I can.

Mr. DOTY: Mr. President: The committee that was appointed to investigate the subject has reported. There

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can be no earthly objection to any further consideration or anything else that this Convention may direct, and it is entirely within their power and right. I am going to call your attention to this fact—that the report was brought in by the select committee, but was not acted upon forthwith, but placed on the calendar of Wednesday; and if I remember rightly when that was brought up we had a large attendance of this Convention, and it was thoroughly and fully discussed, and it was put to a vote which resulted in seventy-seven voting in the affirmative, if I do not forget. Now, we have had it very thoroughly discussed, and it was authorized, and under the authority of that resolution they might, and indeed might now, make a contract for that report. There seems to have been some assumption that there was some investigation to be adverse, and I will say that the committee has not done that work because of this adverse feeling. Now, while there is a pretty full house for Monday night—I am not prepared quite to say how many—some are not here, and I therefore believe that it is only fair to those members who are not here to discuss this matter tomorrow morning and that we have the question postponed until tomorrow. That leaves an opportunity to those who are interested in a reconsideration of this resolution to have the rights preserved, and they will be able to gather the information, if they so desire, and give the members who are not here a chance to be heard. I therefore move all further consideration of the motion to reconsider be postponed until tomorrow and placed upon the calendar for that day.

A DELEGATE: I would like to ask whether Mr. Doty's motion means to postpone it from day to day?

Mr. DOTY: There are no rights sacrificed; the motion is that the reconsideration be postponed until tomorrow.

Mr. BROWN, of Highland: I submit the member last on the floor is out of order. I consider he has no rights; if he moves to amend by making a motion to postpone, and then vote on the amendment, I think it would be in order.

Mr. DOTY: The motion to reconsider is not an amendment.

Mr. BROWN, of Highland: Well, then it is not a postponement under these conditions.

Mr. KNIGHT: I think this motion, if anything, is intended to preserve everybody's rights. A motion to reconsider has been made, and under the rules a motion to postpone the consideration puts it on tomorrow's calendar, where everybody's rights are preserved, just as they are now.

At the time the motion was adopted we had the fullest house that we have had since the opening of the Convention, and it is simply just and fair all around that it be postponed. I will add to what Mr. Doty has said—the committee has thus far acted under the resolution. This committee has sought information, and has had several gentlemen come to the city with a view of submitting proposals on the work, and some have come a considerable distance, and the committee has in its possession a number of proposals under the resolution. These will remain unopened, so far as the committee is concerned, unless the Convention orders otherwise. The committee has taken no action, believing that the Convention itself would see that it was hardly proper for the

committee to do so. The committee does not feel, unless the Convention so desires, that it should be threshed out anew. The committee has some information on the probable cost, and if the gentleman that made the motion consents to a postponement until tomorrow it will then come under discussion.

Mr. BROWN, of Highland: I think those who are on the side of reconsidering would be willing to postpone if the committee agrees to make no contract.

Mr. KNIGHT: We agree, of course, to make no contract in view of such a motion.

Mr. SMITH, of Hamilton: I will ask if, under the rules of this Convention, a motion to reconsider is only in order within two days after the first action? Therefore, in order to have a clear understanding on both sides, I will ask if, under the president's interpretation of this rule, a motion to postpone does not come under our right to reconsider?

The PRESIDENT: The president will not so rule.

Mr. SMITH, of Hamilton: Then I want to ask Mr. Doty if he will change that motion to postpone and make it a special order for 10:30 tomorrow?

Mr. DOTY: I have no objection. I will amend my motion to mean postponing further consideration, and make it a special order for ten minutes of eleven. I simply make my motion in a new form.

The PRESIDENT: The motion is that the question of reconsideration be made a special order for 10:50 tomorrow.

Mr. MOORE: I desire to make an explanation of the situation—the question has been called up by Mr. Doty. Many of us who voted in favor of this resolution were very much in favor of having the debates published and we were afraid that if we voted against this resolution and it failed, the possible publication of the debates would fail—the reporting, printing and publication would fail—and in order to save the other part of it we so voted. We would now like to get a little better understanding on the measure, and I would consent to its being made a special order for tomorrow.

The motion was carried.

Mr. THOMAS: I move that the Convention dispense with the services of both telephone companies' employes as telephone attendants in the smoking room, and that the committee on Employes be directed to assign one of the employes for that work.

I made a motion one week ago asking for the removal of Mr. Cronin as telephone attendant, stating as the reason that the American Telephone Company was furnishing its lobbyists in the guise of employes. Some of you remember, in reading Sunday's papers, that the substitute for Mr. Cronin is another of the same kind—that he represents the same interest—and it seems to me that if the American Telephone Company cannot furnish to this Convention telephone operators without giving to us the personal representatives of Mr. Garber, its president, then we will dispense with the telephones altogether. I am satisfied that with this gentleman in the telephone room as telephone attendant many of the other members of this Convention will not feel free to use the telephone, believing that everything that is said and done by them comes into the power of these corporation lobbyists. I didn't bring this matter up here this evening without making some investigation of the matter. I knew Mr.

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Stokely the moment he came into the smoking room, because I have seen him around the senate chamber. Last year the senate refused to accept him as telephone attendant there in the senate chamber, and it does seem to me that someone whom the senate refused to accept should not be permitted to come here.

We don't want to give to the telephone company operator, or any other operator, advantages that we will not give to others, and if the telephone company cannot put in another operator, or we cannot put in an operator, we had better dispense with the telephone. We had better dispense with the company telephone operators and put in somebody that we know of our own selves, and be able to do our business in such a way that the corporations cannot get control of it.

Mr. DOTY: I call for a re-reading of the motion.

The motion was read.

Mr. DOTY: We have already tried and convicted one man. I have faith in the member's statement—he thinks it is true; he believes it—but really this cutting off of people's heads here without their being heard at all, I don't like it that way. I don't want to vote on this motion. In view of the statement of my colleague from Cuyahoga county [Mr. THOMAS] I will support the amendment to take them out—take the telephones out—and to have no telephones. I make a motion to amend by dispensing with the telephones entirely.

The motion was seconded.

Mr. HARRIS, of Hamilton: Mr. President: I have listened to the statement of the members from Cuyahoga, and I wish to say that I am not in thorough sympathy with that motion. I trust that the amendment will not prevail. There is the question now raised whether the Fourth Constitutional Convention of the state of Ohio is greater or less than the American Bell Telephone Company? We have a right to telephone service and we have no right to surrender it merely because the telephone company has the impertinence to send us a lobbyist. We don't need the employes of the telephone company. There is no person here that we employ who is not capable of sitting at the telephone booth and calling up the parties that the members may require. I am heartily in favor of dispensing with the services of the American Bell Telephone Company lobbyists, and using the employes of this house to act in that capacity, and I trust that the house will have enough self-respect not only to refuse to take out the telephones, but to demand the very best service by its own employes. If it has any doubt as to the character of the employes of the Bell Telephone Company—

Mr. PECK: What evidence have you that the telephone company is sending us lobbyists?

Mr. HARRIS, of Hamilton: The statement of Mr. Thomas is sufficient for me, Judge Peck.

Mr. PECK: Mr. Thomas may not have any better evidence than you have.

Mr. HARRIS, of Hamilton: He has evidence that the man the company sent is the one refused by the last senate. What better evidence do you want?

Mr. KNIGHT: Mr. President: There used to be a law, or a custom, or a right among the people, inherited in America, that bills of attainder were illegal, and to find a man guilty and punish him therefor without any opportunity to investigate into the alleged facts

has been called illegal in America and England for fully five centuries. If the statements made are correct no man will vote sooner than I as a member of this Convention for a change; but it does seem to me that this Convention, if it is to be considered a fair convention, ought to be fair in its own action. I have no doubt that Mr. Thomas believes all that he has stated. I think, however, if the matter is worthy of consideration, and it is if what has been said is true, the Convention should through a committee of its own investigate the matter, and when the committee has made its report here, that we then would know what to do. It seems to me that neither the motion nor the amendment should be adopted.

Mr. STOKES: Mr. President: I move that this matter be referred to the committee on Employes, with instructions to make an investigation and report.

The motion was seconded.

Mr. ANDERSON: Mr. President: Before we impose that duty upon the committee we ought to find out whether we are free from lobbyists or not.

Mr. THOMAS: I hope the matter as to whether we are free from lobbyists or not is not a question before the house. We decided at the opening of this Convention to forbid lobbyists on the floor of the Convention, or in the vicinity, or within the rooms of this assembly hall, and we are not going to give the American Telephone Company special privileges as against every other corporation, if I can help it. I have no objection to the matter going to the committee on Employes. My informants are the senators from Cuyahoga county. They are officials and know these things, and I am satisfied to hand these things to you and to present the facts before the committee on Employes should they desire it.

Mr. BEATTY: I am awfully sorry to hear a man called a lobbyist until he is known to be such. I am acquainted with Mr. Stokely—have known him for years—and there is not a member on this floor that will charge me with being a lobbyist. I have never heard of Mr. Stokely being a lobbyist, but I think when a man is charged with being a lobbyist he ought to be investigated. I believe that Mr. Thomas believes what he says, but in justice to Mr. Stokely this should be done. This is a reflection on him, and it should be investigated, and I shall vote to submit it to the committee on Employes.

Mr. HOSKINS: Mr. President: These telephones were put in there originally on the resolution that I offered. I don't care what is done with this motion, or anything about that, but I do want to call the attention of this Convention to the fact that we may make ourselves ridiculous by all this talk about lobbyists. I cannot bring to mind any man on the face of the earth, any place on the earth, coming to talk with me in a wrongful way, and I can say I never saw in the senate or in the house anything of that sort. I have known this man for a number of years. He has a family, and what right have we to do him an injustice on the statement of some people? I can't see that Mr. Thomas has definite information—I don't know what was done, but whether it is the committee on Employes to which it will be referred, or a committee on the floor, there should be an investigation; it is a personal matter, and whatever the report is I think it will be satisfactory. I think this had better be settled. I think it is a shame to come on the floor of this house and charge somebody with crime or wrong.

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We are making ourselves ridiculous in the eyes of the people. Now, let us be decent and investigate this man, and I am satisfied to take the finding of that committee on Employes or any one else. That is the view that any fair-minded man could take of the situation. Don't reflect upon a man and his family, his wife and children, here by an arbitrary resolution of this kind. I didn't see what was in the paper, and didn't know it was in there. Let us put it before a committee before we take action.

Mr. SMITH, of Hamilton: Mr. President: I want to say that I am not afraid of making myself ridiculous in talking on this matter. I don't think the question is rightly understood by all of us. We adopted a rule in this Convention that all lobbyists should register. Now, if the charge is made that this gentleman is a lobbyist; if he is a lobbyist, why should he not register? It seems to me we cannot be too careful, gentlemen, and live up to this rule. That is the law in some states in the Union, and ought to be a law in Ohio, and will be before very long. I want to suggest to the committee, if I may, that they consider and look into the propriety of having employes of the telephone companies in attendance in the smoking room. It is the purpose of the people of the Convention at the present time to have telephones. To me it seems proper that the employes of the telephone companies serve us, and I would ask the committee on Employes to look into the question as to whether or not it might be proper to have employes of the state of Ohio rather than have employes of the telephone companies serve in this capacity.

Mr. HARRIS, of Hamilton: Don't you think it would be a good idea for the people of Cincinnati to supply an attendant at every telephone station in Cincinnati at their own expense?

Mr. SMITH, of Hamilton: Every telephone station?

Mr. HARRIS, of Hamilton: Yes, sir.

Mr. SMITH, of Hamilton: Well, they are paying a portion for every attendant. You have an office, perhaps; the telephones are supplied—the city hall, they have a telephone and supply the service. They don't get employes from the telephone companies to answer these calls; they are employes of the citizens of the city of Cincinnati, and that is the way it should be. I make that as a suggestion as to the proper course for this body. I may be wrong.

Mr. HARRIS, of Ashtabula: I want to say that I am decidedly opposed to paying bills for the American Telephone Company. The member from Cuyahoga objects to their sending a man here to lobby, but I don't want to pay his bills for him. As a member of the senate, in company with my friend from Wood county, I have served in the senate when this same gentleman was attendant at the telephones. He never lobbied me. It may be I am lobby-proof or that I am not worth lobbying. I have never until today heard that he was a lobbyist. He has never done anything out of place in connection with his business.

Mr. WAGNER: I want to say that Mr. Stokely comes from my town. I have known Mr. Stokely all my life, and I have known him to be nothing else but a man who is respected by the very best people of Greenville, and I assure you we will have the whole town of Greenville down on this Convention if you say he is a lobbyist.

The PRESIDENT: The question is on referring the matter to the committee.

The motion was carried.

INTRODUCTION OF PROPOSALS.

Proposal No. 162 — Mr. Elson. To submit an amendment to article II, section 1, of the constitution. — Concerning state legislature.

Proposal No. 163 — Mr. Miller, of Crawford. To submit an amendment to article XV, section 4, of the constitution. — Relative to who eligible for office.

Proposal No. 164 — Mr. Thomas. To submit an amendment to article II, of the constitution. — Relative to providing for one legislative body with the initiative and referendum.

Proposal No. 165 — Mr. Stilwell. To submit an amendment to article I, section 4, of the constitution. — Relative to bill of rights.

Proposal No. 166 — Mr. Stilwell. To submit an amendment to article II, by adding section 33, of the constitution. — Relative to liens.

Proposal No. 167 — Mr. Stilwell. To submit an amendment to article XV, by adding section 10, of the constitution. — Concerning labor.

Proposal No. 168 — Mr. Stilwell. To submit an amendment to article II, section 20, of the constitution. — Relative to salary of officers and employes.

Proposal No. 169 — Mr. Worthington. To submit an amendment to article XV, of the constitution. — Relative to the civil service.

Proposal No. 170 — Mr. Worthington. To submit an amendment to article XII, sections 2, 3 and 4, of the constitution, and to renumber present sections 5 and 6 as sections 6 and 7, respectively. — Relative to taxation.

Proposal No. 171 — Mr. Anderson. To submit an amendment to section 18 of the schedule of the constitution. — Relative to the traffic in intoxicating liquors.

Proposal No. 172 — Mr. Price. To submit an amendment to article XII, section 2, of the constitution. — Relative to taxation.

Proposal No. 173. — Mr. Matthews. To submit an amendment to article VIII, section 1, of the constitution. — Relative to the contracting of debts for an authorized issue of bonds for good roads.

Proposal No. 174. — Mr. Mauck. — Relative to bill of rights.

REFERENCE TO COMMITTEES OF PROPOSALS.

The following proposals on the calendar were read by their titles and referred as follows:

Proposal No. 148 — Mr. Solether. To the committee on Judiciary and Bill of Rights.

Proposal No. 149 — Mr. Weybrecht. To the committee on Good Roads.

Proposal No. 150 — Mr. Stewart. To the committee on Taxation.

Proposal No. 151 — Mr. Anderson. To the committee on Liquor Traffic.

Proposal No. 152 — Mr. Brown, of Highland. To the committee on Agriculture.

Proposal No. 153 — Mr. Peters. To the committee on Short Ballot.

Reference of Proposals, Etc.

Proposal No. 154 — Mr. Winn. To the committee on Liquor Traffic.

Proposal No. 155 — Mr. Davio. To the committee on Labor.

Proposal No. 156 — Mr. Davio. To the committee on Judiciary and Bill of Rights.

Proposal No. 157 — Mr. Davio. To the committee on Legislative and Executive Departments.

Mr. DOTY: Mr. President: While the title says "relative to public works," I would like to ask a little about the substance of the proposal itself. The title don't tell very much. I am not criticizing—I want to know what the substance of the proposal is.

Mr. DAVIO: That they should be allowed to go into the public works, street cars, etc.

Mr. DOTY: Then it ought to go to the committee on Municipal Government, not Public Works.

Mr. DAVIO: If it did go to the committee on Public Works they could refer it back.

Mr. DOTY: I move to refer it to the committee on Legislative and Executive Departments.

The motion was carried.

Proposal No. 158 — Mr. Doty. To the committee on Judiciary and Bill of Rights.

Proposal No. 159 — Mr. Dunn. To the committee on Liquor Traffic.

Proposal No. 160 — Mr. Pettit. To the committee on Legislative and Executive Departments.

Proposal No. 161 — Mr. Moore. To the committee on Short Ballot.

RESOLUTIONS LAID OVER.

Resolution No. 36 — Mr. Halfhill, was taken up.

Mr. THOMAS: I would like to hear from the author of this resolution as to what is intended — what its limitations are? There are some matters I do not understand.

Mr. HALFHILL: I presume that the resolution itself might possibly be taken as the heading for a lecture on constitutional law. That was not the particular purpose of its introduction. It might not be amiss, however, to say that the object and purpose of its introduction was to direct attention to the fact that there is before us a great volume of business propositions for the consideration of the committees, which certainly is nothing but statute law — that is, provided it would be enacted into law. Now, I believe that the sooner that all of us come to an understanding as to the purpose of this resolution the better it would be for all of us and the work of the committees. I had hoped that whether this resolution provoked any discussion or not, it might at least lead to a desire to investigate the proposals as to whether it was proper to have them incorporated into the constitution or whether they ought to be relegated to the legislature. If they ought to go to the legislature, they ought to be relegated to the table of the committee room.

We have had some very distinguished gentlemen here before the Convention addressing us. I have obtained some information from some of these gentlemen which I consider of value, and I have gotten some information from some of them which, if it is of value, is only for the purpose of provoking investigation and discussion on our part. I heard one of the learned mayors that

was here before us the other day, in arguing for the right of cities for self-government, say he hoped this Convention would give plenty of power and would not be stingy with the words it used. It should not make anything in the promise that was weak in the performance. Now, that is the first time that I ever knew it was necessary to use many words in order to give plenty of power. My understanding of the formation of the constitution is simply that it is the expression of sovereign power in outline, a definition of the agencies of the government in outline—the definition of those agencies that are the outward manifestation of the sovereignty itself—and when you use many words in the constitution it is generally for the purpose of inhibition and marking the outline and limit. So I thought it would be very likely that it would give plenty of power to cities to operate under their own charter without using many words, and many words might clog the very thing we desired to give, for I am also a believer in the rights of cities, to a large extent, to govern themselves, at least in so far as they do not intrude upon the sovereign power of the state. Now, I think that is all I care to say on this resolution, but it does seem to me it challenges the careful attention of all of us. Everybody that pays any attention to such things knows that there is such a thing as constitutional or fundamental law, and that there is a distinction between that and statutory law.

Mr. ANDERSON: Mr. President: The question I would like to ask is this, can you give us a definition that will define organic law, and in defining that law define statutory law, where the line of demarcation is plain? If so, I would like to hear it.

Mr. HALFHILL: I presume, Mr. President, that the definition between organic and statutory law is or could be made very plain, and I presume also that it is like the definition that defines the lines between the power of the state and the power of the federal government, that you are oftentimes on debatable land; but it does not in any way make it so that we do not know what is the statutory and what is the fundamental law, and when there is such a thing as statutory law.

Mr. FACKLER: I have no doubt that the gentleman from Allen in taking care of a resolution of this character would be doing a mere moral service in the work of this Constitutional Convention, and for that reason I move that the resolution be laid on the table.

The motion was carried.

Mr. ELSON: I move the adoption of Resolution No. 37.

Resolution No. 37 — Mr. Elson, was read by the secretary as follows:

WHEREAS, There is some doubt as to the legality of submitting separate amendments or propositions to the people on a day other than that on which the constitution proper will be voted on; therefore

Be it resolved, That a committee of five be appointed to confer with the attorney general of Ohio concerning the matter and to report to the Convention at their earliest convenience.

Resolved further, That this committee consist of the following members: Messrs. Anderson, Marriott, Worthington, Halfhill and Taggart.

Committee to Consult Attorney General.

Mr. THOMAS: Mr. President: I understand from the reports of the Convention that we have some forty-eight lawyers in the Convention, a number of judges and ex-judges, and a lot of legal talent as well known in Ohio as the attorney general or anybody else, and it appears to me that with all this legal talent it is unnecessary to go outside of the Convention to tell us what we shall do in these matters. I understood when I was selected as a delegate to this Convention that this Convention was a power unto itself; that we did not have to go outside to take instructions from any other authority than ourselves, and while I have every respect, both personal and otherwise, for the attorney general—respect for him both in his official person and for the fact of the definite and elaborate rulings he has given us as such—I object to this Convention taking instruction from the attorney general or any one else as to the legal questions that come up in this hall.

Mr. ELSON: The fact that the members of this committee are expected to confer with the attorney general would not be in the least derogatory of the legal talent of this Convention. It is true we have many lawyers here, but the governor of the state of Ohio is supposed to know a good deal about the law, and he consults the attorney general; the president knows a good deal about constitutional law, and he has an attorney general. It is true this committee's conferring with the attorney general would not be final. However, it seems to me it would give some legal authority if we had his opinion. Nothing short of an opinion of the supreme court would be final, it is true; but it is impossible to get that under the circumstances. I would like the committee to confer with the attorney general and have that opinion brought before the Convention.

Mr. McCLELLAND: The need of the committee at all for consideration of this subject has been specified by the author of the resolution.

Mr. ELSON: I simply wish to say, if the member from Knox county will permit it, the law providing for this Convention is not very clear on this subject. It does not specifically state whether it would be the legal thing for the general body of the constitution that we may form here to be submitted, and then certain amendments and propositions, to be voted on separately. That is the idea.

Mr. McCLELLAND: The subject has not been mentioned upon the floor of this house considering the possibility of two different elections, and yet there has been on the floor of the house resolutions introduced and proposals introduced, which do involve that important point of law. I wish to offer an amendment to the resolution as follows:

At the end of the resolution add:

And whereas there exists a like doubt concerning the adoption into our present constitution of these separate amendments in case of the defeat of the body of the revised constitution;

Resolved, That this matter also be submitted to the above committee.

Mr. McCLELLAND: Mr. President: This amendment, it seems to me, covers the matter upon—I think it is the fourth proposal that was introduced, or the fifth, to amend the constitution, which provided that that

amendment, if carried, should be a certain section, and in the constitutional requirements here the body of the constitution should be covered. Other amendments have been introduced on the floor having the same object in view. It seems to me a serious question has been raised concerning the possibility of amendments being so submitted that they shall become either a part of the revised or the present constitution, if carried by the votes of the state. I think we ought to know how—and the reasons should be submitted on this floor—and how the proposal should be referred back to this body from the committee, and I therefore wish this amendment to come in, and I would be glad if we could act on it some day in this house.

Mr. DOTY: As I started to say when I inproperly took the floor, there are three reasons why I object to this resolution. The first is in the preamble which proposes to submit the proposals—as the legality of submitting separate proposals, separate amendments, etc. Now, if that doubt exists this house has never so stated. There must be some doubt in the minds of the people who have thought on these matters, and why should we consider at all, or give thought to submitting them, when we get nowhere in submitting them?

The next objection is the fact that we are not very anxious to know the opinion of some outside lawyer, and the other is that we have a special committee to render legal opinions. We object to going to the attorney general and we could not get it any quicker than of Mr. Worthington or some others.

Mr. ELSON: The idea is to get the combined wisdom of those combined with the attorney general.

Mr. DOTY: You know we have experts in this house at this sort of work, and why appoint a select committee to do this? Let us have one opinion, and then if we don't like that we can ask some of the other men who are capable of telling us.

Mr. LAMPSON: I would like to ask the gentleman from Cuyahoga [Mr. Doty] a question. What do you understand the function of the committee on Method of Amending the Constitution to be?

Mr. DOTY: I think, perhaps, that is the one to send this to. I thought the Judiciary was the one. I thought that this was somewhat a question of law. Perhaps that is the proper committee. I have no objection to its going to that committee.

Mr. LAMPSON: I am asking for information. I have thought it was the function of that committee, after we get ready to submit whatever proposals we agree to submit, to bring in a rule or plan of submission. If we revise the whole constitution, the committee will bring in a plan of submission, and if in addition to the revision of the whole constitution we agree to submit certain proposals separately, the method of the submission of those proposals would be reported to this committee. If there is any other idea about it, I would like to know what it is.

Mr. DOTY: I would say that what little I have thought about the matter has been along the line of the member from Ashtabula.

Mr. BROWN, of Highland: What bearing is it to have, if this committee does investigate and bring its opinion in? We are taking up time. It doesn't amount to anything one way or the other. It doesn't hurt the

Committee to Consult Attorney General.

dignity of this body if they do get an opinion of the attorney general, but what I think we ought to do is to submit this question and vote upon it.

Mr. DOTY: I would not want to reflect on the resolution. This is a question of some importance and we ought not to kill it entirely. I move it be referred to the committee on Submission and Address to the People.

Mr. PECK: I move it be laid on the table.

The motion was carried.

Resolution No. 40 — Mr. King, was taken up.

Mr. KING: I move that Resolution No. 40 be referred to the committee on Arrangement and Phraseology.

The motion was carried.

Resolution No. 43 — Mr. Beyer, was taken up.

Mr. BEYER: I move the adoption of Resolution No. 43.

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

The motion was carried.

Resolution No. 44 — Mr. Longstreth, was taken up.

Mr. LONGSTRETH: It was not the intention of the proposer of this resolution to hinder or exclude any clergyman, whether of this city or anywhere he might come from, from acting in this capacity, on the invitation of the president, nor was it the saving of the expenditure of money that would necessarily be entailed by the creating of the office or electing a chaplain, but we have quite a number of clergymen who are members of this Convention and they are capable, we believe, and trustworthy, and we have reason to believe that they are quite willing to serve this Convention in any way they can, and consequently we thought it would be only fitting and courteous treatment for these clergymen delegates to be invited to serve us in this capacity.

Mr. PECK: I take great pleasure in supporting this resolution. I think it is eminently proper and fitting. I know we have all heard with reverence and devotion the prayers by the reverend gentlemen members of this body, for whom we have supreme respect. I hope they will continue to perform these duties.

Mr. HARRIS, of Hamilton: I move to amend the resolution as follows:

Strike out all after the word "Resolved," and insert "That this Convention be opened daily with prayer, and that the president be requested to invite the ministers of religion who may be members of this Convention or who may be resident or visiting in Columbus, to perform that service without pecuniary compensation."

Mr. EBY: I would ask Mr. Harris why it would not be well enough to include ministers of the state?

Mr. HARRIS, of Hamilton: I agree to that.

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

The substitute was adopted.

Resolution No. 45 — Mr. King, was taken up.

Mr. KING: I move the adoption of Resolution No. 45. I want to say in addition to the remarks made by Mr. Fess before he left last week, that the only object I had in offering the resolution in the form that it is, was because I felt that the committee on Employes had gone over their work so fully and carefully, and out of the

applications that had come in it had done so well, that we, in giving it the consideration, would only be doing that which it ought to do by recognizing the boys of this orphans' home. They are recognized by every general assembly; since the home was organized they have been recognized by every general assembly, and if the only Constitutional Convention that has been held since that time should go without recognizing them, it would seem that we had failed to recognize them by a mark of our consideration.

Mr. MARSHALL: Whether or not it is absolutely necessary for a position as page here I do not know, but I would like to drop a word in favor of procuring the services of a boy from the Soldiers' and Sailors' Orphans' Home. I will give my reasons. I have been guardian for a good many girls and boys in our county. I am guardian now of a young man in this city, employed by the Bell Telephone Company. Some twelve years ago he was living an orphan on the streets of Coshocton. His father was a soldier. His mother died first. He was left an orphan on the streets of Coshocton, without any near friends to look after him. At the solicitation of distant relatives I was made the boy's guardian and served him as a father, so to speak. It was not long after I commenced to look after the boy until I put him in the Soldiers' and Sailors' Orphans' Home at Xenia. I kept him there eight years, until he was seventeen years old. He has been employed here by the Bell Telephone Company for two or three years, and I would not be ashamed to bring that boy before this Convention tonight and show him — show what the home at Xenia made him. You would see a manly young man, with pretty fair business qualities and commanding a fair salary and compensation for his labors at the Bell Telephone Company. I do not ask anything on behalf of myself, but I want to speak for the Home.

Mr. STOKES: Isn't that a matter for the committee on Employes, rather than for this Convention on the adoption of the resolution?

Mr. MARSHALL: It might be, but we will settle that later on. I was going to say that I wanted to offer a word for this young man, not in behalf of myself, nor in behalf of the young man, but I am here to speak for these extra employes that ought to come from the home at Xenia, Ohio, and I ask this, as I said before, not in behalf of myself, nor in behalf of the young man, but in behalf of the home, and in behalf of the boys of '61, who kissed their wives and children good-bye and shouldered the musket and went out in defense of their country, and third — last but not least — I ask the appointment in behalf of the flag that those boys who left their homes in '61 went to preserve.

Mr. PECK: I wish the secretary would read the last clause of that resolution.

Resolution No. 45 was read as follows:

Resolved, That the president of the Convention is hereby authorized to appoint one additional page, to be selected from the pupils of the Ohio Soldiers' and Sailors' Orphans' Home at Xenia, the page so appointed to be designated by the superintendent of said institution.

Mr. Peck moved to strike out the words "the page so

Election of Page—Mileage.

appointed to be designated by the superintendent of said institution."

The amendment was agreed to.

The question being "Shall the resolution be adopted?" The yeas and nays were taken, and resulted — yeas 96, nays 3, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Ashtabula,	Partington,
Antrim,	Harris, Hamilton,	Peck,
Baum,	Harter, Stark,	Pettit,
Beatty, Morrow,	Henderson,	Pierce,
Beyer,	Hoffman,	Price,
Bowdle,	Holtz,	Read,
Brown, Highland,	Hoskins,	Redington,
Brown, Pike,	Hursh,	Rockel,
Cassidy,	Johnson, Madison,	Roehm,
Collett,	Johnson, Williams,	Rorick,
Colton,	Jones,	Shaw,
Cordes,	Kehoe,	Smith, Geauga,
Crites,	Keller,	Solether,
Cunningham,	Kerr,	Stalter,
Davio,	Kilpatrick,	Stamm,
DeFrees,	King,	Stevens,
Donahay,	Knight,	Stewart,
Doty,	Kunkel,	Stilwell,
Dunlap,	Lambert,	Stokes,
Dwyer,	Lampson,	Taggart,
Earnhart,	Leete,	Tallman,
Eby,	Longstreth,	Tannehill,
Fackler,	Ludey,	Tetlow,
Farnsworth,	Malin,	Thomas,
Farrell,	Marshall,	Ulmer,
FitzSimons,	Matthews,	Wagner,
Fluke,	Mauck,	Walker,
Fox,	Miller, Crawford,	Watson,
Hahn,	Miller, Fairfield,	Weybrecht,
Halenkamp,	Moore,	Wise,
Halfhill,	Nye,	Worthington,
Harbarger,	Okey,	Mr. President.

Those who voted in the negative are: Elson, Riley, and Smith, of Hamilton.

The resolution was adopted.

Resolution No. 46 — Mr. Halfhill, was taken up.

Mr. HALFHILL: I move that Resolution No. 46 be laid on the table.

The motion was carried.

Resolution No. 47 — Mr. Evans, was taken up.

Mr. ULMER: Mr. President and Gentlemen: It seems to me that we ought to take the time for introducing proposals here, and to extend the time for introducing more proposals to four weeks from now, it seems to me, is a little too long. I am in favor of the resolution with the exception of a single word, and this word means four. If we except the word "four," I think no member of the Convention has any reason to complain or add any time to the introduction of proposals. I think that every one of the delegates that came to this Convention has in his mind what he wants to propose here, and if they understand that it is four weeks more they would bring on their questions for the committees, and if they continued this it would bring on more confusion. I suggest that after this week — I suppose that after this week every committee is ready for work, and if during the next three weeks new proposals come in, we would go over the same work again. If any member has a new idea, or has forgotten something, I think it gives a chance to bring this new idea before the Convention — when the committee reports it back — and during the deliberations he has a chance to introduce these ideas in

the form of amendments. I therefore move that the word "four" be stricken out, and "one" be inserted.

Mr. DOTY: I move that the resolution, with pending amendment, be referred to the committee on Rules.

The motion was carried.

Resolution No. 48 — Mr. Eby, was taken up.

Mr. PECK: I move that this resolution be laid on the table.

The motion was carried.

Resolution No. 49 — Mr. Brown, of Lucas, was taken up.

Mr. DOTY: I move that this resolution be referred to the committee on Rules.

The motion was carried.

MOTIONS AND RESOLUTIONS.

Mr. DOTY: I offer a resolution.

The resolution was read as follows:

Resolution No. 50:

Resolved, That the number of miles set forth opposite the name of each member in the report of the select committee on Mileage be accepted except that the following changes be first made:

Fox 118.

Anderson 180.

The question being "Shall the resolution be adopted?" The yeas and nays were taken, and resulted — yeas 95, nays none, as follows:

Those who voted in the affirmative are:

Anderson,	Halenkamp,	Peters,
Antrim,	Halfhill,	Pettit,
Baum,	Harbarger,	Pierce,
Beatty, Wood,	Harris, Hamilton,	Price,
Beyer,	Hoffman,	Read,
Bowdle,	Holtz,	Redington,
Brown, Highland,	Hoskins,	Riley,
Brown, Lucas,	Hursh,	Rockel,
Brown, Pike,	Johnson, Madison,	Roehm,
Cassidy,	Johnson, Williams,	Rorick,
Collett,	Jones,	Shaw,
Colton,	Kehoe,	Smith, Geauga,
Cordes,	Keller,	Smith, Hamilton,
Crites,	Kerr,	Solether,
Cunningham,	Knight,	Stalter,
Davio,	Kunkel,	Stamm,
DeFrees,	Lambert,	Stevens,
Donahay,	Lampson,	Stewart,
Doty,	Leete,	Stilwell,
Dunlap,	Longstreth,	Stokes,
Dwyer,	Ludey,	Taggart,
Earnhart,	Malin,	Tallman,
Eby,	Marshall,	Tannehill,
Elson,	Matthews,	Tetlow,
Evans,	Mauck,	Thomas,
Fackler,	McClelland,	Walker,
Farnsworth,	Miller, Crawford,	Watson,
Farrell,	Miller, Fairfield,	Weybrecht,
FitzSimons,	Moore,	Wise,
Fluke,	Nye,	Worthington,
Fox,	Okey,	Mr. President.
Hahn,	Partington,	

The resolution was adopted.

Mr. EVANS: I ask unanimous consent to introduce a resolution at this time.

Consent having been given, the resolution was read as follows:

Resolution to Create Additional Committees.

Resolution No. 51:

Resolved, That there shall be three additional standing committees appointed whose numbers and duties shall be as follows:

1. A committee on Financial System for the State, Counties and Municipalities, to be composed of five members whose duties shall be to recommend a complete financial system for the state, counties, cities and all municipal bodies.

2. A committee of five on the Public Health and Police Power, whose duty it shall be to recommend a system for the preservation of the public health and to consider and report on all limitations of the police power.

3. A committee of five on Statistics whose duty it shall be to report a complete system for obtaining and preserving vital, agricultural, manufacturing, school, election and all other classes of statistics for the use of the state.

The resolution was laid over under the rule.

Leave of absence was granted to Mr. Norris for Monday and Tuesday.

Leave of absence was granted to Mr. Leslie for the remainder of the week.

Mr. STAMM: I move that we adjourn.

The motion was carried.