

SEVENTY-FOURTH DAY

MORNING SESSION.

THURSDAY, May 23, 1912.

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

The journal of yesterday was read and approved.

Mr. LAMPSON: I offer a resolution.

The resolution was read as follows:

Resolution No. 129:

WHEREAS, The contract of the official reporter was not made with any idea of night sessions other than Monday nights, and

WHEREAS, The Convention has held and intends to hold other night sessions; therefore

Be it resolved, That the official reporter be and is hereby allowed the additional sum of thirty dollars for each night session, other than Monday nights.

The PRESIDENT: The resolution will go over under the rule.

Mr. DOTY: I desire to make a statement to the members on that side of the house. You will find the green bound book is missing. The reason for that is the force has worked on it all night and they are working on it now, but they will not be able to have your books back on your desk until the noon recess. It was simply a physical impossibility. I would state further that the committee on Arrangement and Phraseology is now ready to make reports upon all of the remaining proposals, but until these books are upon your desks we will not make further reports because there is plenty of work upon the calendar for at least until late this afternoon. We will not make any reports until tomorrow morning, although if it is necessary to keep the Convention in work we may make some this afternoon. The members on this side of the house will be very glad to lend their books to members on that side for use this morning's session. Now I desire to call up at this time Resolution No. 128.

The PRESIDENT: The question is on the adoption of Resolution No. 128.

The resolution was again read.

Mr. DWYER: Before that question is put I would like to say a word. There is a matter pending before the body on an amendment or motion of Judge Norris upon which an argument was made by the judge yesterday afternoon, and I would like very much to have a short time to present an argument on the other side and I cannot do it in ten minutes because it is a constitutional question that may take half an hour.

The PRESIDENT: If the rule is adopted the way is open to change the rule by unanimous consent.

The resolution was adopted.

THIRD READING OF PROPOSALS.

Proposal No. 54 — Mr. Elson, was taken up.

The PRESIDENT: The question is on the adoption of the amendment offered by the delegate from Marion.

Mr. ELSON: It seems to me that we should not spend any more time in debating this question. If there is any one thing that we have done since the sessions of this Convention began that has brought forth expressions of approval from the people of the whole state and nation it is this proposal. I think we are generally agreed upon that. It was passed by a vote of ninety-four to twelve and it seems to me that we can dispense with further debate, and so far as this amendment is concerned I move that the amendment be laid on the table.

Mr. MARRIOTT: In view of the statement made by the member from Montgomery who desires to be heard on that amendment I suggest that the gentleman withhold that motion to lay on the table.

Mr. ELSON: If it is the sense of the Convention that I should do so I have no objection.

The PRESIDENT: The member from Montgomery announces his opposition to the amendment and if it is laid on the table it will save that much time.

The motion to table was carried.

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

Mr. ELSON: I wish to offer an amendment.

The amendment was read as follows:

In line 6 after "cases," strike out "The general assembly may authorize the rendering of a verdict" and insert "a verdict may be rendered".

Mr. ELSON: I will explain this amendment. It takes from the legislature the right to make the provision. As it reads it says that the legislature may provide a rule of this kind and the legislature might or might not do it. As I said before, the proposal has been very favorably received and I think we should not leave it to the legislature, but should make it mandatory.

Mr. MARRIOTT: I agree with the professor that there is no proposal that has been introduced and passed by this Convention that has met with as much expression of approval from the people of the state as this proposal, and I am in favor of its adoption just as the committee reported it and I move to lay this amendment on the table.

The motion was carried.

Mr. BROWN, of Highland: I offer an amendment.

The amendment was read as follows:

At the end of line 7 add: "Whenever, after a jury is impaneled in a civil case, a vacancy or vacancies shall occur in the panel through the death or discharge by the court on account of sickness or other cause of one or more of said jurors, not exceeding three in number, the trial shall proceed, notwithstanding such vacancy or vacancies, to the remaining jurors who shall be competent to return a verdict upon the concur-

Reform of Jury System—Regulation of Corporations and Sale of Personal Property.

rence therein of a number not less than three-fourths of the original jury.”

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

The motion was carried.

Mr. CASSIDY: I offer an amendment.

The amendment was read as follows:

Strike out all after the word “cases,” in line 6 and in lieu thereof insert the following: “laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.”

Mr. CASSIDY: The committee on Arrangement and Phraseology in almost every proposal changed the language “general assembly may” to “Laws may be passed,” but for some reason that was not done here. It was overlooked and this amendment restores that. Then this amendment adds “by the concurrence of”. The other way it might be construed that if a jury were selected and one or two were absent or sick still a verdict might be rendered by a concurrence of not less than three-fourths.

Mr. PECK: I want to say that this amendment was prepared by Mr. Cassidy and myself yesterday afternoon after consultation. We were not satisfied with the language of the committee on Phraseology and we thought it open to the very criticism that Mr. Cassidy makes, that three-fourths might apply to the number of jurors present instead of to the number participating in the verdict. The language now proposed removes that. It also provides for the other matter, that “laws may be passed,” instead of empowering the “general assembly” to pass laws.

The amendment was agreed to.

The question being “Shall the proposal pass?”

The yeas and nays were taken, and resulted—yeas 96, nays 4, as follows:

Those who voted in the affirmative are:

- | | | |
|------------------|--------------------|--------------------|
| Anderson, | Harris, Ashtabula, | Miller, Crawford, |
| Antrim, | Harris, Hamilton, | Miller, Fairfield, |
| Baum, | Harter, Stark, | Miller, Ottawa, |
| Beatty, Morrow, | Henderson, | Moore, |
| Beatty, Wood, | Hoffman, | Nye, |
| Beyer, | Holtz, | Okev, |
| Bowdle, | Hoskins, | Peck, |
| Brown, Highland, | Hursh, | Peters, |
| Brown, Pike, | Johnson, Madison, | Pierce, |
| Cassidy, | Johnson, Williams, | Read, |
| Cody, | Jones, | Redington, |
| Collett, | Kehoe, | Riley, |
| Colton, | Keller, | Rockel, |
| Cordes, | Kilpatrick, | Roehm, |
| Crosser, | King, | Rorick, |
| Davio, | Knight, | Shaffer, |
| Doty, | Kramer, | Smith, Geauga, |
| Dunlap, | Kunkel, | Smith, Hamilton, |
| Dwyer, | Lambert, | Solether, |
| Eby, | Lampson, | Stamm, |
| Elson, | Leete, | Stevens, |
| Evans, | Longstreth, | Stewart, |
| Farnsworth, | Ludey, | Stilwell, |
| Farrell, | Malin, | Stokes, |
| Fox, | Marriott, | Taggart, |
| Hahn, | Marshall, | Tallman, |
| Halenkamp, | Matthews, | Tannehill, |
| Halfhill, | Mauck, | Tetlow, |
| Harbarger, | McClelland, | Thomas, |

Ulmer,
Wagner,
Walker,

Watson,
Weybrecht,
Winn,

Wise,
Woods,
Mr. President.

Those who voted in the negative are: Messrs. Brat-tain, Campbell, Norris, Price.

So the proposal passed as follows:

Proposal No. 54—Mr. Elson, to submit an amendment to article I, section 5, of the constitution.—Reform of civil jury system.

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 I.

SEC. 5. The right of trial by jury shall be in-violate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.

The proposal was referred to the committee on Ar-rangement and Phraseology.

The PRESIDENT: The proposal is finally adopted. The president wishes to announce that unless the Con-vention definitely orders otherwise no one, who might have been in his seat to answer to his name when it was first called, will be recognized to cast his vote on a proposal that carries.

The next proposal in order is Proposal No. 72—Mr. Stokes.

The proposal was read the third time.

Mr. MAUCK: I offer an amendment. I stated yesterday the purport of the amendment I offer. The purpose is to make it clear that the last sentence of the proposal is not necessarily related to the preceding part of the proposal, by adding the following after the last words: “Whether owned by a corporation, joint stock company or individual”, and to make of the last sentence a separate paragraph of the section.

The amendment was read as follows:

Div. 1. Make a separate paragraph of the last sentence.

Div. 2. After the last word of the proposal strike out the period and insert a comma and add the following: “whether owned by a corpo-ration, joint stock company or individual.”

Mr. COLTON: I raise a question as to whether it should be paragraphed. The custom of the committee has been not to break any section into paragraphs and we have followed that consistently, and I do not see the necessity of making a paragraph here.

Mr. MAUCK: The only purpose in making a sepa-rate paragraph was to disassociate it as far as possible from the rest.

Mr. LAMPSON: It has been our custom not to paragraph, and I do not see any reason for departing from that custom.

The PRESIDENT: The amendment will be divided and the first question will be put on separating the para-graphs.

The first division of the amendment was lost. The second division of the amendment was agreed to. The question being “Shall the proposal pass?”

Regulation of Corporations and Sale of Personal Property — Eight-Hour Day on Public Work.

The yeas and nays were taken, and resulted—yeas 102, nays none, as follows:

Those who voted in the affirmative are:

Anderson,	Harter, Stark,	Okey,
Antrim,	Henderson,	Peck,
Baum,	Hoffman,	Peters,
Beatty, Morrow,	Holtz,	Pierce,
Beatty, Wood,	Hoskins,	Price,
Beyer,	Hursh,	Read,
Bowdle,	Johnson, Madison,	Redington,
Brattain,	Johnson, Williams,	Riley,
Brown, Highland,	Jones,	Rockel,
Campbell,	Kehoe,	Roehm,
Cassidy,	Keller,	Rorick,
Cody,	Kerr,	Shaffer,
Collett,	Kilpatrick,	Smith, Geauga,
Colton,	King,	Smith, Hamilton,
Cordes,	Knight,	Solether,
Crites,	Kramer,	Stamm,
Crosser,	Kunkel,	Stevens,
Davio,	Lambert,	Stewart,
Donahey,	Lampson,	Stilwell,
Doty,	Leete,	Stokes,
Dunlap,	Longstreth,	Taggart,
Dwyer,	Ludey,	Tallman,
Eby,	Malin,	Tannehill,
Elson,	Marriott,	Tetlow,
Evans,	Marshall,	Thomas,
Farrell,	Matthews,	Ulmer,
Fox,	Mauck,	Wagner,
Hahn,	McClelland,	Walker,
Halenkamp,	Miller, Crawford,	Watson,
Halfhill,	Miller, Fairfield,	Weybrecht,
Harbarger,	Miller, Ottawa,	Winn,
Harris, Ashtabula,	Moore,	Wise,
Harris, Hamilton,	Norris,	Woods,
Harter, Huron,	Nye,	Mr. President.

So the proposal passed as follows:

Proposal No. 72—Mr. Stokes, to submit an amendment to article XIII, section 2, of the constitution.—Regulation of corporations and sale of personal property.

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 XIII.

SEC. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Corporations may be classified and there may be conferred upon proper boards, commissions or officers, such supervisory and regulatory powers over their organization, business and issue and sale of stocks and securities, and over the business and sale of the stocks and securities of foreign corporations and joint stock companies in this state, as may be prescribed by law. Laws may be passed regulating the sale and conveyance of other personal property, whether owned by a corporation, joint stock company or individual.

The PRESIDENT: The question is on the adoption of Proposal No. 209.

Mr. HARRIS, of Ashtabula: Just right there. I do not understand that the rules make any provision for action or revision of these proposals after amendments have been made under the third reading. If so, I am not aware of it. It seems just as necessary that the pro-

posals, when amended, should be considered by the committee on Phraseology now as at any time. I move that this proposal and all proposals acted upon in this way be referred to the committee on Arrangement and Phraseology, to be reported at their convenience before adjournment.

Mr. DOTY: I would say that the Rules committee provided for another roll call on all of these matters, so that if the motion of the gentleman from Ashtabula [Mr. HARRIS] is adopted and we should have any criticism to make our report could be embodied in the final report, which requires a roll call.

Mr. HARRIS, of Ashtabula: I raise the question for the consideration of the Convention.

Mr. DOTY: Certainly. The Convention should have opportunity to consider the provision before final adoption.

Mr. LAMPSON: There will be a final roll call upon all amendments under one grand resolution so to speak.

Mr. HARRIS, of Ashtabula: I shall insist on the first part of my motion, that the proposals that are amended be referred to the committee on Arrangement and Phraseology.

The motion was carried.

Mr. HARTER, of Huron: I want to have my vote recorded on Proposal No. 54.

Mr. DOTY: I object.

Mr. PRESIDENT: We are going to spend a great deal of time calling rolls if the members exercise this privilege.

Mr. DOTY: I object. If we are going into this sort of a thing we shall never have any journals.

Mr. HOSKINS: What right has the gentleman from Cuyahoga [Mr. Doty] to object to that?

Mr. DOTY: My right as a member.

Mr. HOSKINS: No one can lay down an arbitrary rule that the names cannot be called—

Mr. DOTY: The right I have is my right as a member. The vote on this proposal is on the journal and I question the right of any member to have a subsequent roll call. We cannot run that desk and have people voting all day long.

Mr. HOSKINS: I don't know of any rule that prevents it.

Mr. DOTY: The rule is that the journal shows who voted for a proposal.

Mr. LAMPSON: The rule requires that each member shall vote when his name is called and it has simply been by unanimous consent and sufferance that we have been permitting members to come in and have their votes recorded.

The PRESIDENT: And the rule will be enforced hereafter.

Mr. WINN: I desire to make an inquiry. I would like to know whether the rule announced by the president respecting the members' right to have their votes recorded after their names are passed applies only to those whose names are not called until after the result is announced?

The PRESIDENT: The president so understands.

Mr. WINN: I cannot see any objection to that. What I wanted to know was, if a person is sitting in his seat here and fails to answer, he could not have his name called and vote before the result was announced.

Eight-Hour Day on Public Work — Workmen's Compensation.

The PRESIDENT: The question is on Proposal No. 209.

The proposal was read the third time.

Mr. TETLOW: I offer an amendment.

The amendment was read as follows:

"In line 7 strike out the word "laborers" and in lieu thereof insert the word "workmen".

The amendment was agreed to.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 93, nays 11, as follows:

Those who voted in the affirmative are:

Anderson,	Hoskins,	Pierce,
Antrim,	Hursh,	Price,
Beatty, Wood,	Johnson, Madison,	Read,
Beyer,	Johnson, Williams,	Redington,
Bowdle,	Jones,	Riley,
Brown, Highland,	Kehoe,	Rockel,
Campbell,	Keller,	Roehm,
Cassidy,	Kerr,	Rorick,
Cody,	Kilpatrick,	Shaffer,
Cordes,	King,	Smith, Geauga,
Crosser,	Knight,	Smith, Hamilton,
Davio,	Kramer,	Solether,
Donahey,	Kunkel,	Stamm,
Doty,	Lambert,	Stevens,
Dunlap,	Lampson,	Stewart,
Dwyer,	Leete,	Stilwell,
Eby,	Leslie,	Stokes,
Elson,	Longstreth,	Taggart,
Evans,	Ludey,	Tallman,
Farrell,	Malin,	Tannehill,
FitzSimons,	Marriott,	Tetlow,
Fluke,	Marshall,	Thomas,
Fox,	Matthews,	Ulmer,
Hahn,	Miller, Crawford,	Wagner,
Halenkamp,	Miller, Fairfield,	Walker,
Halfhill,	Moore,	Watson,
Harbarger,	Norris,	Weybrecht,
Harris, Hamilton,	Nye,	Winn,
Harter, Huron,	Okey,	Wise,
Harter, Stark,	Peck,	Woods,
Hoffman,	Peters,	Mr. President.

Those who voted in the negative are:

Baum,	Collett,	Holtz,
Beatty, Morrow,	Cunningham,	McClelland,
Brattain,	Farnsworth,	Miller, Ottawa.
Brown, Pike,	Harris, Ashtabula,	

So the proposal passed as follows:

Proposal No. 209—Mr. Tetlow, to submit an amendment by adding section 37 to article II, of the constitution.—Eight hour day on public work.

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 II.

SEC. 37. Except in cases of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the state, or any political subdivision thereof, whether done by contract, or otherwise.

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

The PRESIDENT: The next proposal is Proposal No. 24, by Mr. Cordes.

The proposal was read the third time.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 107, nays none, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Ashtabula,	Nye,
Antrim,	Harris, Hamilton,	Okey,
Baum,	Harter, Huron,	Peck,
Beatty, Morrow,	Harter, Stark,	Peters,
Beatty, Wood,	Henderson,	Pierce,
Beyer,	Hoffman,	Price,
Bowdle,	Holtz,	Read,
Brattain,	Hoskins,	Redington,
Brown, Highland,	Hursh,	Riley,
Brown, Pike,	Johnson, Madison,	Rockel,
Campbell,	Johnson, Williams,	Roehm,
Cassidy,	Jones,	Rorick,
Cody,	Kehoe,	Shaffer,
Collett,	Kerr,	Smith, Geauga,
Colton,	Kilpatrick,	Smith, Hamilton,
Cordes,	King,	Solether,
Crites,	Knight,	Stamm,
Crosser,	Kramer,	Stevens,
Cunningham,	Kunkel,	Stewart,
Davio,	Lambert,	Stilwell,
Donahey,	Lampson,	Stokes,
Doty,	Leete,	Taggart,
Dunlap,	Leslie,	Tallman,
Dwyer,	Longstreth,	Tannehill,
Eby,	Ludey,	Tetlow,
Elson,	Malin,	Thomas,
Evans,	Marriott,	Ulmer,
Farnsworth,	Marshall,	Wagner,
Farrell,	Matthews,	Walker,
FitzSimons,	Mauck,	Watson,
Fluke,	McClelland,	Weybrecht,
Fox,	Miller, Crawford,	Winn,
Hahn,	Miller, Fairfield,	Wise,
Halenkamp,	Miller, Ottawa,	Woods,
Halfhill,	Moore,	Mr. President.
Harbarger,	Norris,	

So the proposal passed as follows:

Proposal No. 24—Mr. Cordes, to submit an amendment by adding section 35 to article II, of the constitution.—Workmen's compensation.

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 II.

SEC. 35. For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational diseases, occasioned in the course of such workmen's employment, laws may be passed establishing a state fund to be created by compulsory contribution thereto by employers, and administered by the state, determining the terms and conditions upon which payment shall be made therefrom, and taking away any or all rights of action or defenses from employes and employers; but no right of action shall be taken away from any employe when the injury, disease or death arises from failure of the employer to comply with any lawful requirement for the protection of the lives, health and safety of employes. Laws may be passed establishing a board which may be empowered to classify all occupations, according to their degree

Investigations by Each House of General Assembly — Abolition of Justices of the Peace in Certain Cities.

of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto.

The PRESIDENT: The next proposal is Proposal No. 236—Mr. Worthington.

The proposal was read the third time.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 108, nays none, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Ashtabula,	Norris,
Antrim,	Harris, Hamilton,	Nye,
Baum,	Harter, Huron,	Okey,
Beatty, Morrow,	Harter, Stark,	Peck,
Beatty, Wood,	Henderson,	Peters,
Beyer,	Hoffman,	Pierce,
Bowdle,	Holtz,	Price,
Brattain,	Hoskins,	Read,
Brown, Highland,	Hursh,	Redington,
Brown, Pike,	Johnson, Madison,	Riley,
Campbell,	Johnson, Williams,	Rockel,
Cassidy,	Jones,	Roehm,
Cody,	Kehoe,	Rorick,
Collett,	Keller,	Shaffer,
Colton,	Kerr,	Smith, Geauga,
Cordes,	Kilpatrick,	Smith, Hamilton,
Crites,	King,	Soletcher,
Crosser,	Knight,	Stamm,
Cunningham,	Kramer,	Stevens,
Davio,	Kunkel,	Stewart,
Donahay,	Lambert,	Stilwell,
Doty,	Lampson,	Stokes,
Dunlap,	Leete,	Taggart,
Dwyer,	Leslie,	Tallman,
Eby,	Longstreth,	Tannehill,
Elson,	Ludey,	Tetlow,
Evans,	Malin,	Thomas,
Farnsworth,	Marriott,	Ulmer,
Farrell,	Marshall,	Wagner,
FitzSimons,	Matthews,	Walker,
Fluke,	Mauck,	Watson,
Fox,	McClelland,	Weybrecht,
Hahn,	Miller, Crawford,	Winn,
Halankamp,	Miller, Fairfield,	Wise,
Halfhill,	Miller, Ottawa,	Woods,
Harbarger,	Moore,	Mr. President.

So the proposal passed as follows:

Proposal No. 236—Mr. Worthington, to submit an amendment to article II, section 8, of the constitution.—Investigations by each house of general assembly.

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 II.

SEC. 8. Each house, except as otherwise provided in this constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and, with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all powers, necessary to provide for its safety and the undisturbed transaction of its business, and to obtain, through committees or otherwise, information affecting legislative action under consideration or in contemplation

or with reference to any alleged breach of its privileges or misconduct of its members, and to that end to enforce the attendance and testimony of witnesses, and the production of books and papers.

The PRESIDENT: The next proposal is Proposal No. 100 by Mr. Fackler.

The proposal was read the third time.

Mr. PECK: I offer an amendment.

The amendment was read as follows:

Strike out the period in line 6 and in lieu thereof insert a comma and add the following: "until otherwise provided by law."

Mr. PECK: It is obvious there are times and places in the state where they do not desire to have justices of the peace and the number of these places is increasing. The constant tendency is to do away with them as in Cleveland. It was the intention of the Judiciary committee to report an amendment putting the whole matter into the hands of the general assembly and that is what I offer.

The amendment was agreed to.

Mr. TAGGART: I offer an amendment.

The amendment was read as follows:

Amend Proposal No. 100 as follows: By adding "Schedule No. 1."

Resolved, further, That in the event Proposal No. 184—Mr. Peck, passed by the Convention, be adopted by the electors of this state and become a part of the constitution, then section 9 of article IV of the constitution is repealed, and the foregoing proposal, if adopted, shall be of no effect.

Mr. TAGGART: If the Convention will indulge me, this is the action of the Schedule committee in order to provide for any inconsistency that may arise between Proposal No. 184 if adopted and Proposal No. 100 if adopted. Judge Peck's proposal abolishes the office of justice of the peace as a constitutional office, in which event the whole matter would be in the hands of the legislature, and then there would be no purpose or object in the Fackler Proposal, No. 100.

Mr. PECK: I am not sure that Proposal No. 184 does abolish it. It simply drops out the word's "justice of the peace" here, but those words are in several other places and I think those words are necessary here.

Mr. TAGGART: The only other place in which the words "justice of the peace" occur is section 9, which this repeals and leaves the matter in the hands of the legislature to create courts inferior to the courts specified in your proposal. We had the matter up in the committee on Schedule.

Mr. PECK: I am in sympathy with the object. I think the whole matter should be left to the general assembly. If you are sure of what you are driving at, all right.

Mr. TAGGART: The committee has gone over it carefully and we are unanimous that that will be the effect.

Mr. HALFHILL: Cannot your committee make a more definite description than by referring to Proposal 184?

Abolition of Justices of the Peace in Certain Cities.

Mr. TAGGART: We had nothing more definite than that to refer to. We could not make it any more specific and certain than by referring to Proposal No. 184.

Mr. HALFHILL: When can that addenda be changed?

Mr. TAGGART: Those words can be changed or made more definite by the committee on Phraseology.

Mr. KNIGHT: The amendment just offered does two things. First it nullifies Proposal No. 100 if Proposal Nos. 184 and 100 are both ratified by the people. Proposal No. 184 then becomes section 9 of article IV. But if Proposal No. 100 is not ratified by the people will it have any effect on section 9? There is a section 9 in the constitution now and there will be a question, which does this repeal?

Mr. TAGGART: If the electors adopt this they adopt it with the distinct statement of the schedule that this is of no force and effect in case Proposal No. 184 is adopted.

Mr. KNIGHT: It leaves the original section 9 of article IV as it stands now?

Mr. TAGGART: Yes, and expressly provides that section 9 of article IV is repealed if the Peck proposal is adopted.

Mr. ELSON: The object of the Fackler proposal, I suppose, is to prevent the suburban justices of the peace from doing a city business. I think that is the only object of it. Does the second proposal cover that?

Mr. TAGGART: The object and purpose of the Fackler proposal is to prevent country justices of the peace opening offices in the city of Cleveland and similar cities and doing a justice of the peace business, but looking at the language of the proposal as read by the secretary and adopted by the committee on Phraseology it prohibits the justices of the peace in such places and it recognizes the office of justice of the peace as a constitutional office. Now you cannot have recognition of the office of justice of the peace in this proposal and have it stricken out in the judiciary proposal as proposed by Judge Peck.

Mr. ELSON: The purpose is if the Peck proposal passes third reading that this is cancelled?

Mr. TAGGART: No; this is to go to the people and the people know what is included in this schedule.

Mr. PECK: What becomes of Proposal No. 100? What effect does your proposal have upon that proposal?

Mr. TAGGART: If Proposal No. 184 does not pass and this does, then Proposal No. 100 becomes part of the constitution and prohibits justices of the peace from exercising jurisdiction in the cities. If Proposal No. 184 and this also pass, then Proposal No. 100 is of no effect, section 9 of article IV is repealed, and Proposal No. 184 is effective.

Mr. JOHNSON, of Williams: It seems to me that this question of schedule is out of order now. We haven't adopted any of these proposals yet. In my opinion the time to fix up the schedule is after we have adopted the proposals that are contradictory. Why not pass this proposal?

Mr. KING: I rise to a point of order. The gentleman is not asking a question.

Mr. JOHNSON, of Williams: I am asking a question. I propose to ask it, too. Why not leave this until we know whether Judge Peck's proposal, eliminating the

justices of the peace, passes? Why discuss a matter of that sort when nothing has passed the Convention?

Mr. TAGGART: The Schedule committee must assume some facts, and we have assumed that as the Peck Proposal No. 184 has passed this Convention on two readings and as Proposal No. 100 has passed this Convention on two readings, that those proposals will pass. We are providing for a contingency that will arise in these proceedings, and we cannot wait until the last moment and then provide a schedule. We must do it as it comes along.

Mr. KING: If we submit all of these in a separate schedule might not the schedule be defeated?

Mr. TAGGART: That is true, and we think this is the best way.

Mr. KNIGHT: Should not this proposition be prefaced by "Resolved further"?

Mr. TAGGART: I have no objection to that.

Mr. KRAMER: If Judge Peck's proposal is adopted by the people, the only way to get relief would be to apply to the legislature.

Mr. TAGGART: Yes.

Mr. KNIGHT: What would be the effect upon the justices of the peace now in office if Proposal No. 184 is adopted?

Mr. TAGGART: That is another proposition that will have to be disposed of at the proper time and place.

Mr. LAMPSON: I ask the question merely for the purpose of getting before the Convention what I apprehend is the necessary policy of the committee on Schedule, whether or not the different sections or items of the schedule must not necessarily be made dependent upon the adoption or rejection of the various amendments to which they apply?

Mr. TAGGART: That is undoubtedly the case. We cannot have a complete schedule and have it submitted to the people and defeated and the original proposals passed. We would have confusion worse confounded.

Mr. LAMPSON: The paragraphs or amendments if adopted might not go into effect.

Mr. MAUCK: I would ask the member from Wayne if we could not accomplish all that is desired to be accomplished by merely passing this proposal: "Laws may be passed providing for the office of justice of the peace"?

Mr. TAGGART: I had nothing to do with the original proposal. I did not champion it and I do not know anything about it. I am taking care of this proposed amendment so that there will be no inconsistency.

Mr. KING: I would inquire of the acting chairman of the committee on Schedule if the proposition as to the life of existing justices of the peace is not proper to be taken care of by an additional schedule added to Proposal No. 184?

Mr. TAGGART: Undoubtedly.

Mr. HARTER, of Stark: I am opposed to the whole proposal. I believe the justice courts are the courts of the people. There is a great deal of business in the hands of the justices and this is the only place where a man not a member of the bar can plead his own case.

Mr. DOTY: You have no objection to a proposal or amendment to the constitution that would allow you to have justices of the peace in Stark county and allow us not to have them in Cleveland?

Abolition of Justices of the Peace in Certain Cities.

Mr. HARTER, of Stark: That is all right.
 Mr. DOTY: That is all that this provides for.
 Mr. HARTER, of Stark: I am opposed to having our minor courts taken out of the hands of the people. I think this is a lawyers' proposition.
 Mr. DOTY: If we prefer any other form of courts, you don't care what we have?
 Mr. HARTER, of Stark: I do not want the power taken from the people for the sake of the lawyers. Many of the best decisions that have been made have been made by justices of the peace.
 Mr. DOTY: The question I had in mind is, you do not have any objection to our substituting municipal courts for justices of the peace in Cleveland?
 Mr. HARTER, of Stark: No, sir.
 Mr. DOTY: That is all this proposal undertakes to do, and therefore the objection you have to the proposal is not good.
 Mr. HARTER, of Stark: I cannot say as to that, but I do not want the minor courts taken away from the people.
 Mr. DOTY: The gentleman misapprehends the object of this proposal.
 Mr. KING: I would like to inquire if the member from Stark [Mr. HARTER] does not know that the right of any citizen of the state to appear in any court and argue and conduct his own case is not prohibited in the constitution and cannot be prohibited by law.
 Mr. HARTER, of Stark: I did not know that.
 Mr. KING: That is true.
 Mr. HARTER, of Stark: We laymen hesitate very much to appear in court.
 Mr. PECK: Do you know that within the year past a woman appeared in the supreme court of Ohio and argued her own case and won it?
 Mr. HARTER, of Stark: I admit that women are just as capable to practice law or any other kind of business as men. We admitted that in the woman's suffrage proposal.
 Mr. JOHNSON, of Williams: The matter of the proposal under consideration was thoroughly discussed by the committee on Judiciary and Bill of Rights. I have the same feeling as the gentleman who just left the floor in regard to this matter. The justice courts are the courts of the people. I want this proposal to pass because I believe my friends in Cleveland are working in the interest of the people in that locality, but I want the justices left as a constitutional office, hence I am opposed to that part of Judge Peck's proposal, and for that reason I objected to the gentlemen's fixing the schedule at this time. I am not a lawyer but a farmer, and farmers are noted for their common sense. It would be well to get something for the Schedule committee to work upon before we make the schedule, and it seems to me to discuss the schedule before we have anything before us is out of order. I am glad to be permitted now to talk, for I won't be called to order because I am asking a question in a square-toed way. I favor making the office of justice a constitutional one and I signed the report for this proposal and propose to vote for it. I believe we should pay no attention to the schedule until we get something to act upon. I do not know that I have made myself clear. I think my good friend from Cuyahoga understands, but if he

does not, as a gentleman said the other day, I cannot furnish him with judgment.
 Mr. PECK: I move the previous question. The main question was ordered.
 The PRESIDENT: The question is on the adoption of the amendment of the delegate from Wayne. The amendment was agreed to.
 The question being "Shall the proposal pass?"
 The yeas and nays were taken, and resulted — yeas 105, nays 2, as follows:
 Those who voted in the affirmative are:

Anderson,	Harris, Hamilton,	Norris,
Antrim,	Harter, Huron,	Okey,
Baum,	Harter, Stark,	Peck,
Beatty, Morrow,	Henderson,	Peters,
Beatty, Wood,	Hoffman,	Pierce,
Beyer,	Holtz,	Price,
Bowdle,	Hoskins,	Redington,
Brattain,	Hursh,	Riley,
Brown, Highland,	Johnson, Madison,	Rockel,
Brown, Pike,	Johnson, Williams,	Roehm,
Campbell,	Jones,	Rorick,
Cassidy,	Kehoe,	Shaffer,
Collett,	Keller,	Shaw,
Colton,	Kerr,	Smith, Geauga,
Cordes,	Kilpatrick,	Smith, Hamilton,
Crites,	King,	Solether,
Crosser,	Knight,	Stamm,
Cunningham,	Kramer,	Stevens,
Donahey,	Kunkel,	Stewart,
Doty,	Lambert,	Stilwell,
Dunlap,	Lampson,	Stokes,
Dwyer,	Leete,	Taggart,
Eby,	Leslie,	Tallman,
Elson,	Longstreth,	Tannehill,
Fackler,	Ludey,	Tetlow,
Farnsworth,	Malin,	Thomas,
Farrell,	Marriott,	Ulmer,
FitzSimons,	Marshall,	Wagner,
Fluke,	Matthews,	Walker,
Fox,	Mauck,	Watson,
Hahn,	McClelland,	Weybrecht,
Halenkamp,	Miller, Crawford,	Winn,
Halfhill,	Miller, Fairfield,	Wise,
Harbarger,	Miller, Ottawa,	Woods,
Harris, Ashtabula,	Moore,	Mr. President.

Mr. Davio and Mr. Evans voted in the negative. So the proposal passed as follows:

Proposal No. 100 — Mr. Fackler, to submit an amendment to article IV, section 9, of the constitution. — Abolition of justices of the peace in certain cities.

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 IV.

SEC. 9. A competent number of justices of the peace shall be elected by the electors in each township in the several counties, until otherwise provided by law. Their term of office shall be four years and their powers and duties shall be regulated by law; provided that no justice of the peace shall be elected in any township in which a court, other than a mayor's court, is, or may hereafter be, maintained with the jurisdiction of all causes of which justices of the peace have jurisdiction, and no justice of the peace shall have, or exercise, jurisdiction in such township.

Abolition of Justices of the Peace in Certain Cities—Removal of Officials.

SCHEDULE NO. I.

Resolved further, That in the event Proposal No. 184—Mr. Peck, passed by the Convention be adopted by the electors of this state and become a part of constitution, then section 9 of article IV, of the constitution is repealed, and the foregoing proposal if adopted, shall be of no effect.

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

The PRESIDENT: Proposal No. 241 is the next in order.

The proposal was read the third time.

Mr. WATSON: I offer an amendment.

The amendment was read as follows:

Strike out all after the resolving clause and insert the following:

SECTION I. At the time when the vote of the electors shall be taken for the adoption or rejection of any revision, alterations or amendments made to the constitution by this Convention, the following article, independently of the submission of any revision, alteration or other amendments submitted to them shall be separately submitted to the electors in the words following, to-wit:

SECTION 1a. Every elective public officer of the state of Ohio or of any of its political subdivisions, may be removed from office at any time, by the electors entitled to vote for a successor of such officer, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

SECTION 1b. Upon the filing of a petition as herein provided, asking for the recall of any such elective official, the question of recalling said officials shall be submitted to the electors entitled to vote for a successor of such official, at the next succeeding annual November election, occurring not less than ninety days after the filing of said petition. The number of signatures necessary upon said recall petition shall be as follows:

(a) For the recall of an official for whose successor all of the electors of the state are entitled to vote, twenty (20) per cent. of said electors.

(b) For the recall of an official for whose successor the electors of any district, county, municipality or part of a municipality are entitled to vote, twenty-five (25) per cent. of the electors of such district, county, municipality or part of a municipality.

SECTION 1c. The basis upon which the required number of petitioners in any case shall be determined, shall be the total number of votes cast for the office of governor at the last preceding election therefor, by the electors of the state, district, county, municipality or part of a municipality entitled to vote for a successor of the official sought to be recalled. All petitions asking for the recall of a public official shall be filed at the same time and in the following places to-wit:

(a) For the recall of an official for whose

successor the electors of the entire state are entitled to vote, in the office of the secretary of state.

(b) For the recall of an official for whose successor the electors of a district comprising more than one county and less than the entire state are entitled to vote, with the board of deputy state supervisors of elections of the most populous county in said district.

(c) For the recall of a county or municipal official, with the board of deputy state supervisors of elections of the county whose electors are entitled to vote for a successor to such official or in which the municipality of which the incumbent is an official, is located.

SECTION 1d. The general election laws shall apply to recall elections in so far as applicable. Any recall petition may be presented in separate parts, but each part shall have attached thereto the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of the signers of such part of a petition and shall state that each of the signatures attached to such part was made in the presence of the affiant, that to the best of his knowledge and belief each signature to such part is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed the same to be electors and that they signed said petition with knowledge of the contents thereof, that each signer signed the same on the date stated opposite his name, and no other affidavit thereto shall be required.

Every recall petition shall contain a general statement of not more than two hundred words, giving the reasons for such recall. Each signer of a recall petition must be an elector of the state qualified to vote for a successor to the official sought to be recalled and shall place on such petition, after his name, the date of signing and his place of residence. In the case of a signer residing outside of a municipality he shall state the township and county in which he resides, and in the case of a resident of a municipality, in addition to the name of such municipality he shall state the street and number, if any, of his residence and the ward and precinct in which the same is located. The names of all signers to such petitions shall be written in ink or indelible pencil, each signer for himself.

The signatures upon such petitions so verified shall be presumed to be in all respects sufficient unless not later than forty days before the election it shall be otherwise proven, and in such event ten additional days shall be allowed for the filing of additional signatures to such petition. No recall election shall be held invalid or void on account of the insufficiency of the petitions by which such election was called. After one recall petition and election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless the petitioners signing such petition shall first pay into the public treasury which has paid such election expenses, all the expenses of the preceding election.

Removal of Officials.

Separate ballots shall be provided for the expression by the electors of their vote for or against the recall of officials sought to be recalled. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on at said election, the following questions: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?", following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the left of each, in which the voter shall indicate by making a cross-mark (X), his vote for or against such recall.

In case any official against whom a recall petition has been filed shall die or resign, all further proceedings in the election shall be stayed. If a majority of all the votes cast by the electors entitled to vote for a successor to such official at the election at which the recall of the official is voted upon are in favor of the recall of such official, his office shall be deemed vacant and shall be filled according to law.

SECTION 1E. At the election at which this amendment is submitted to the electors, a separate ballot in the following form shall be furnished to each elector desiring to vote:

RECALL OF PUBLIC OFFICIALS.

	For recall of public officials.
	Against recall of public officials.

Separate ballot boxes shall be provided for the reception of such ballots. The elector shall indicate his choice by placing a cross mark (X) within the blank space opposite the words "For the recall of public officials" if he desires to vote in favor of the amendment above mentioned and within the blank space opposite the words "Against recall of public officials" if he desires to vote against the amendment above mentioned. If the votes for the recall of public officials shall exceed the votes against the recall of public officials, then the above mentioned shall be section _____ of the schedule of the constitution regardless of whether any revision, alteration or other amendment submitted to the electors shall be adopted or rejected.

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

Mr. DOTY: A point of order. The member from Guernsey has the floor.

Mr. PECK: He did not have the floor. How did he have the floor? I rose and addressed the chair and was recognized and the gentleman from Guernsey wasn't on his feet.

The PRESIDENT: The member from Guernsey has the floor.

Mr. PECK: I appeal from the decision of the chair.

He did not have the floor. The member from Guernsey wasn't even on his feet.

The PRESIDENT: The member from Hamilton [Mr. PECK] is right in that statement. The member from Guernsey [Mr. WATSON] was not on his feet.

Mr. DOTY: The member from Guernsey was holding the floor. He had offered an amendment.

Mr. PECK: The member from Cuyahoga butted in as usual and took up the time of the member from Guernsey.

Mr. DOTY: As soon as the amendment was presented the member from Guernsey had the floor.

Mr. LAMPSON: I make the point of order that the motion to lay on the table takes precedence of the motion to amend.

Mr. DOTY: It has not been amended.

Mr. LAMPSON: But there has been a motion to amend and Judge Peck moved to lay that on the table.

Mr. DOTY: How could he?

Mr. LAMPSON: The motion to table was in order. He was entitled to the floor to make a motion of precedence.

Mr. DOTY: If he can get the floor.

Mr. LAMPSON: But he is entitled to it.

Mr. PECK: I was recognized and I made the motion regularly.

Mr. LAMPSON: On page 29 is a list of motions that take precedence over each other. To amend is No. 8 and to lay on the table is No. 4.

The PRESIDENT: There is no doubt as to the precedence, but the question was whether the member from Guernsey had the floor.

Mr. LAMPSON: The member from Guernsey was sitting in his seat.

Mr. BROWN, of Highland: The member from Guernsey had not asked for recognition.

Mr. WATSON: The member from Guernsey was going to as soon as the amendment was read.

The PRESIDENT: Under the rules of the Convention the member from Guernsey [Mr. WATSON] had the floor and there is an appeal from the decision of the chair. Shall the decision of the chair be sustained?

The decision of the chair was sustained.

Mr. WATSON: I shall occupy only a moment of your time. This question was discussed once before. We are asking that this be substituted for the pony recall of the member from Montgomery [Mr. DWYER]. As was stated in respect to this matter sometime ago, it is evident that the people of this state have a right to rule and beyond any doubt we will hear that urged on the question of taxation. When the gentleman from Allen [Mr. HALFHILL] argues the taxation question, the people have a right to rule. Why should not they have a right to rule in regard to their public officials? They have a right to recall them. If a man has a right to choose a man for his service he has a right to reject him when he thinks he is not properly performing his duty.

The PRESIDENT: The member from Hamilton [Mr. PECK] moves to lay this amendment on the table.

Mr. DOTY: I move that the Convention proceed with the orders of the day.

The PRESIDENT: The question is, "Shall the orders of the day be proceeded with?"

Removal of Officials.

Mr. PECK: What is "the orders of the day?"

The PRESIDENT: This proposal and the amendment.

Mr. PECK: More tricks! Let us have a fair deal and quit these tricks. I do not believe in tricks. If you are going to pass this proposal pass it, but pass it fairly.

The PRESIDENT: The question of precedence is first to adjourn, second to recess, third to proceed to the orders of the day and fourth to lie upon the table.

Mr. PECK: The motion to lay upon the table has been made and you cannot displace it.

The PRESIDENT: The question to table has been made and now a motion of precedence, to proceed to the orders of the day. Even when you are on the floor that question takes precedence and that motion could be made.

Mr. LAMPSON: Then you sustain the point I made a few moments ago.

The PRESIDENT: The question now before the Convention is on the motion made by the gentleman from Cuyahoga to proceed to the orders of the day. The orders of the day is this proposal and amendment. It amounts to two votes on it. That is all.

Mr. PECK: My question would get right to it. I demand the yeas and nays on the question to lay on the table.

Mr. LAMPSON: I would like to make a statement. This question of proceeding to the orders of the day has no application to the situation here now. We are already proceeding with the orders of the day, which is this proposal and the pending amendment. That is the orders of the day and we are proceeding with it. The gentleman from Hamilton moves to lay an amendment on the table, the very thing that we are proceeding with, to which his motion is applicable. The motion of the gentleman from Cuyahoga [Mr. DOTY] has no application in considering the orders of the day, to which the motion to lay upon the table is applicable.

Mr. MARRIOTT: A point of order. I suggest that the president had not recognized the gentleman from Cuyahoga, and he therefore had no right to make the motion until he was recognized.

The PRESIDENT: The president will overrule that point.

Mr. DOTY: I do not understand whether the member from Ashtabula [Mr. LAMPSON] has made a point of order or made a suggestion. Of course the orders of the day is the pending proposal and pending amendments. Now a member makes a motion which interferes with that and that is to lay it aside, and the object of that proceeding is to have the Convention decide in a matter of precedence of one question over another, whether we shall lay aside the orders of the day and proceed to it; and it brings a question in the positive form before it brings it in the negative form, and the member from Ashtabula [Mr. LAMPSON] is aware that the object of this order of business to take precedence has been thus accorded.

Mr. LAMPSON: But you are proceeding with the orders of the day and it is not necessary to do that.

Mr. KNIGHT: I would like to ask a question and have it answered in plain terms. Suppose the motion

of the gentleman from Cuyahoga passes; what will be the next thing in order?

Mr. DOTY: To go right on.

Mr. PECK: Then my motion comes right in there.

Mr. DOTY: No, sir.

The PRESIDENT: If the members wish to sustain the member from Hamilton [Mr. PECK] they should vote against the motion to proceed to the orders of the day.

The motion to proceed to the orders of the day was lost.

The PRESIDENT: The question is, Shall the amendment lie on the table?

Mr. DOTY: On that I demand the yeas and nays.

DELEGATES. No, no.

Mr. DOTY: I demand the yeas and nays.

Mr. DWYER: One or two men in this Convention are taking up the whole of the time. They want to hurry things, but they want to take up all of the time talking themselves, and it is time that they should be stopped.

The question being "Shall the motion of Mr. Peck to lay on the table be agreed to?"

The yeas and nays were regularly demanded, taken, and resulted — yeas 80, nays 30, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Ashtabula,	Norris,
Antrim,	Harris, Hamilton	Peck,
Baum,	Harter, Stark,	Peters,
Beatty, Morrow,	Holtz,	Price,
Beyer,	Hoskins,	Redington,
Bowdle,	Johnson, Madison,	Riley,
Brattain,	Johnson, Williams,	Rockel,
Brown, Highland,	Jones,	Roehm,
Brown, Pike,	Kehoe,	Rorick,
Campbell,	Keller,	Shaffer,
Cody,	Kerr,	Shaw,
Collett,	King,	Smith, Geauga,
Colton,	Knight,	Smith, Hamilton,
Cordes,	Kramer,	Solether,
Crites,	Lampson,	Stamm,
Cunningham,	Leete,	Stevens,
Donahay,	Longstreth,	Stewart,
Dunlap,	Ludey,	Stokes,
Dwyer,	Malin,	Taggart,
Eby,	Marriott,	Tallman,
Elson,	Marshall,	Tannehill,
Evans,	Matthews,	Ulmer,
Farnsworth,	Mauck,	Weybrecht,
Fox,	McClelland,	Winn,
Hahn,	Miller, Crawford,	Wise,
Halfhill,	Miller, Fairfield,	Woods.
Harbarger,	Miller, Ottawa,	

Those who voted in the negative are:

Beatty, Wood,	Halenkamp,	Okey,
Cassidy,	Harter, Huron,	Pierce,
Crosser,	Henderson,	Read,
Davio,	Hoffman,	Stilwell,
Doty,	Hursh,	Tetlow,
Dunn,	Kilpatrick,	Thomas,
Fackler,	Kunkel,	Wagner,
Farrell,	Lambert,	Walker,
FitzSimons,	Leslie,	Watson,
Fluke,	Moore,	Mr. President.

So the motion was carried.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted — yeas 107, nays none, as follows.

Removal of Officials—Extending Bond Limit for Inter-County Wagon Roads.

Those who voted in the affirmative are:

Anderson,	Harbarger,	Norris,
Antrim,	Harris, Ashtabula,	Okey,
Baum,	Harris, Hamilton,	Peck,
Beatty, Morrow,	Harter, Huron,	Peters,
Beatty, Wood,	Henderson,	Pierce,
Beyer,	Hoffman,	Price,
Bowdle,	Holtz,	Read,
Brattain,	Hoskins,	Redington,
Brown, Highland,	Hursh,	Riley,
Brown, Pike,	Johnson, Madison,	Rockel,
Campbell,	Johnson, Williams,	Roehm,
Cassidy,	Jones,	Rorick,
Cody,	Kehoe,	Shaffer,
Collett,	Keller,	Shaw,
Colton,	Kerr,	Smith, Geauga,
Cordes,	Kilpatrick,	Smith, Hamilton,
Crites,	King,	Solether,
Crosser,	Knight,	Stamm,
Davio,	Kramer,	Stevens,
Donahay,	Kupfel,	Stewart,
Doty,	Lambert,	Stilwell,
Dunlap,	Lampson,	Stokes,
Dunn,	Leete,	Taggart,
Dwyer,	Leslie,	Tallman,
Eby,	Longstreth,	Tetlow,
Elson,	Ludey,	Thomas,
Evans,	Malin,	Ulmer,
Fackler,	Marriott,	Wagner,
Farnsworth,	Marshall,	Walker,
Farrell,	Matthews,	Watson,
FitzSimons,	Mauck,	Weybrecht,
Fluke,	McClelland,	Winn,
Fox,	Miller, Crawford,	Wise,
Hahn,	Miller, Fairfield,	Woods,
Halenkamp,	Miller, Ottawa,	Mr. President.
Halfhill,	Moore,	

So the proposal passed as follows:

Proposal No. 241—Mr. Dwyer, to submit an amendment by adding section 38 to article II, of the constitution.—Removal of officials.

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 II.

SEC. 38. Laws shall be passed providing for the prompt removal from office, upon complaint and hearing, of all officers, including state officers, judges and members of the general assembly, for any misconduct involving moral turpitude or for other cause provided by law; and this method of removal shall be in addition to impeachment or other method of removal authorized by the constitution.

The PRESIDENT: The next is Proposal No. 118—Mr. Lampson.

The proposal was read the third time.

Mr. JONES: I offer an amendment.

The amendment was read as follows:

Strike out of the title the words "good roads" and insert in lieu thereof the words "inter-county wagon roads".

Mr. JONES: I desire to be heard very briefly in the explanation of the purpose of this amendment. As will be seen from the reading of the proposal as it passed second reading, the specific thing for which the bond

issue is authorized is not the building of roads in general, which, as was explained on second reading, will cover all kinds of public highways, wagon roads, railroads, electric roads and all other means of reaching from one point to another. The proposal, as it was finally passed, was limited to a particular kind and class of roads, to-wit, "inter-county wagon roads." Now the title ought to express exactly what the proposal provides for. As it stands now, it is a proposal to raise the limit of bonded indebtedness of the state for "good roads" as a general term. That may be crossroads, byroads leading from the barn to the market, electric roads, railroads or any sort of public highway. Now the title ought to be changed so that it will clearly express what the proposal provides for, raising the bond limit to authorize the building of "inter-county wagon roads." Then when anybody reads the title he will get a correct idea of what the bond limit is to be raised for.

Mr. DOTY: Do you not think \$50,000,000 should be in there so that they could have the full benefit of the whole thing?

Mr. JONES: I have no objection to that. It might unduly lengthen the title, but it conduces to a ready and quick understanding of what the proposal is. Certainly this should be changed, because unless the person has read the proposal he will have to ask half a dozen questions to find out what kinds of roads it relates to. Are the roads all over the county to be improved? No, sir; it is the inter-county roads.

Mr. LAMPSON: I have no objection whatever to the amendment so far as I am concerned.

Mr. DOTY: Does the gentleman object to my suggestion about putting \$50,000,000 in there?

Mr. LAMPSON: Yes; it makes it so long.

Mr. HARRIS, of Hamilton: Does not the gentleman think the words "good inter-county roads" should be left in there?

Mr. JONES: That is anticipating the result of the work of the state highway department. I think we should adjust the title to what is provided for in the body of the proposal. It is not to build "good inter-county wagon roads," but to build "inter-county wagon roads," and the title should contain exactly what is expressed by the body of the proposal.

Mr. HARRIS, of Hamilton: Does not the member know that the philosopher says "anticipation is better than actual possession"?

Mr. JONES: Yes, but we had better keep away from too much anticipation.

The amendment was agreed to.

Mr. ANTRIM: I offer an amendment.

The amendment was read as follows:

Strike out comma and insert "and" before "repairing" in line 15.

Strike out "and maintaining" in line 15.

In line 19 strike out period after "maturity" and insert comma and the words "the general assembly shall provide for the maintenance of said roads."

Mr. ANTRIM: Just a word by way of explanation. You know that this proposal provides for two things:

1. For the issuing of \$50,000,000 in bonds for the purpose, as the proposal reads, of constructing, rebuild-

Extending Bond Limit for Inter-County Wagon Roads.

ing, improving, caring for and maintaining a system of inter-county wagon roads, and also,

2. For the paying off of those bonds.

My amendment has to do particularly with the subject of maintenance, and what I do is to eliminate the word maintaining in the first part of the proposal and in the latter part of the proposal introduce a clause, "and the general assembly shall provide for the maintenance of said roads." If we leave the proposal as it is there will be no money left for maintenance after we have spent the \$50,000,000 and the roads will be left unmaintained, but if we pass my amendment we shall have \$50,000,000 for the purpose of building the roads and then the general assembly will provide for the maintenance of those roads. My idea of maintenance is that automobile fees and other fees may be used for the purpose of maintenance, and of course, if there is not enough from those sources, then a tax can be levied, but for a number of years to come there will be an abundance of money from the automobile fees and other sources to maintain the roads as they are being built, so I think this will be an excellent idea.

Mr. LAMPSON: I have no objection to the amendment.

Mr. DOTY: I would like to have the words changed from "the general assembly" to "laws shall be passed to."

Mr. BROWN, of Highland: Does not that defeat the purpose of the proposal?

Mr. ANTRIM: I think not.

Mr. BROWN, of Highland: If you provide for money outside, that is contradictory.

Mr. ANTRIM: I think not.

The amendment was agreed to.

Mr. MAUCK. I offer an amendment. One might suppose from the title that this placed a limitation on the issuance of state bonds for good roads. My amendment is that before the word "State" in the title there shall be inserted the words "To extend to \$50,000,000 the". The purpose of this is to advise those who are called upon to vote upon this proposal that they are extending the limitation and placing a limitation in the constitution that does not now exist.

The amendment offered by the member from Gallia was read as follows:

In the title insert before the word "State" the words "To extend to fifty million dollars the".

Strike out the capital "S" in "State" and insert lower case "s".

Mr. LAMPSON: I think this amendment is wholly unnecessary. If there is any question submitted to the people that the people will understand all about, it is the question of raising the bond limit for an intrastate system of roads. It may involve a large amount and the people are perfectly familiar with the method of voting. We have used the referendum upon bond issues everywhere from time immemorial. There will be no trouble about the people understanding what is involved in this proposition and I move to lay the amendment on the table.

Mr. MAUCK: On that I demand the yeas and nays. This certainly does not subtract from the knowledge of the people.

The yeas and nays were taken, and resulted—yeas 41, nays 64, as follows.

Those who voted in the affirmative are:

Anderson,	Harris, Ashtabula,	Peters,
Antrim,	Harris, Hamilton,	Price,
Beatty, Morrow,	Johnson, Williams,	Redington,
Bowdle,	Kramer,	Riley,
Brown, Highland,	Lampson,	Rockel,
Brown, Pike,	Leete,	Shaw,
Campbell,	Longstreth,	Smith, Geagua,
Collett,	Ludey,	Stamm,
Colton,	Marriott,	Stevens,
Cunningham,	Marshall,	Tannehill,
Dunn,	Matthews,	Walker,
Elson,	McClelland,	Weybrecht,
Evans,	Miller, Ottawa,	Winn.
Fess,	Peck,	

Those who voted in the negative are:

Baum,	Harbarger,	Miller, Fairfield,
Beatty, Wood,	Harter, Huron,	Moore,
Beyer,	Harter, Stark,	Norris,
Cassidy,	Henderson,	Okey,
Cody,	Hoffman,	Pierce,
Cordes,	Holtz,	Roehm,
Crites,	Hoskins,	Shaffer,
Crosser,	Hursh,	Smith, Hamilton,
Davio,	Johnson, Madison,	Solether,
Donahay,	Jones,	Stewart,
Doty,	Kehoe,	Stilwell,
Dunlap,	Keller,	Stokes,
Eby,	Kerr,	Taggart,
Fackler,	King,	Tallman,
Farnsworth,	Knight,	Tetlow,
Farrell,	Kunkel,	Thomas,
FitzSimons,	Lambert,	Ulmer,
Fluke,	Leslie,	Wagner,
Fox,	Malin,	Watson,
Hahn,	Mauck,	Wise,
Halenkamp,	Miller, Crawford,	Woods.
Halfhill,		

So the motion to table was lost.

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

The amendment was agreed to.

Mr. THOMAS: I offer an amendment.

The amendment was read as follows:

Strike out all after the colon in line 12, and lines 13, 14, 15, 16, 17, 18 and 19 including the period and insert the following:

"Provided, however, that in the year 1913, and in each year thereafter, including the year 1922, a tax levy of three-fourths of one mill on the grand tax duplicate of the state shall be levied and collected for the purpose of constructing, improving, maintaining, repairing and rebuilding a system of inter-county wagon roads throughout the state. In the year 1922 the advisability of continuing such levy shall be submitted to a vote of the people."

Mr. THOMAS: This amendment simply provides that good roads shall be built by direct tax rather than by a bond issue of \$50,000,000. It will permit the raising of \$3,500,000 per year; and as it will require nearly half that amount to be levied and collected annually by taxation to pay off the bonds, it seems to me by direct taxation we can just as well add on that much more and build \$50,000,000 worth of good roads with \$50,000,000.

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If the estimates given by the financiers of the Convention are correct, it will require something like \$38,000,000 to pay the interest charges on this \$50,000,000, running from thirty-five to forty years. I want to save to the citizens this \$38,000,000 in interest and let them have \$50,000,000 of good roads for \$50,000,000.

Mr. LAMPSON: This question was fully gone into when the proposal was up for consideration on second reading. This is simply a practical way to kill the proposal. I think every delegate in this Convention thoroughly understands the situation. The question is up to the delegates. I do not know that I have any more interest in the matter of a good-roads system in the state of Ohio than have the other delegates, but I do not desire that the proposal shall be killed without my protest. The responsibility is on the Convention and I move to lay the amendment on the table.

Mr. MAUCK: On that I demand the yeas and nays.

The yeas and nays were taken, and resulted—yeas 57, nays 48, as follows:

Those who voted in the affirmative are:

Antrim,	Henderson,	Peters,
Beatty, Morrow,	Holtz,	Price,
Bowdle,	Johnson, Madison,	Read,
Brattain,	Kerr,	Redington,
Brown, Highland,	Kilpatrick,	Riley,
Brown, Lucas,	King,	Rockel,
Campbell,	Knight,	Korick,
Collett,	Kramer,	Shaw,
Colton,	Lambert,	Smith, Geauga,
Cunningham,	Lampson,	Stevens,
Dunlap,	Leete,	Stewart,
Dunn,	Longstreth,	Tallman,
Elson,	Ludey,	Tannehill,
Evans,	Marriott,	Ulmer,
Fess,	Marshall,	Walker,
Halfhill,	Matthews,	Weybrecht,
Harris, Ashtabula,	McClelland,	Winn,
Harris, Hamilton,	Miller, Ottawa,	Wise,
Harter, Stark,	Okey,	Mr. President.

Those who voted in the negative are:

Baum,	FitzSimons,	Miller, Crawford,
Beatty, Wood,	Fluke,	Miller, Fairfield,
Beyer,	Halenkamp,	Moore,
Brown, Pike,	Harbarger,	Norris,
Cody,	Harter, Huron,	Peck,
Cordes,	Hoffman,	Pierce,
Crites,	Hoskins,	Roehm,
Crosser,	Hursh,	Shaffer,
Davio,	Johnson, Williams,	Smith, Hamilton,
Donahey,	Jones,	Solether,
Doty,	Kehoe,	Stilwell,
Dwyer,	Keller,	Taggart,
Eby,	Kunkel,	Thomas,
Fackler,	Leslie,	Wagner,
Farnsworth,	Malin,	Watson,
Farrell,	Mauck,	Woods.

So the amendment was tabled.

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

Mr. HOSKINS: I would ask for information of the member from Ashtabula [Mr. LAMPSON] whether or not under this proposal the entire expense of these roads is not borne by the state. Is it the intention of the proposal to prevent any consolidation of state funds with local funds in the building of a single road?

Mr. LAMPSON: I do not think it would necessarily prevent it. It would be up to the legislature to

pass the laws regulating the matter, but these roads will be state roads.

Mr. HOSKINS: It does provide that the cost of building and maintaining shall be by the state. Will not that be construed to prevent any consolidation of the state and county or city funds?

Mr. LAMPSON: I do not think so.

Mr. HURSH: In lines 12 and 13 the proposal reads, "contract debts and authorize the issue of bonds for an amount in the aggregate not to exceed \$50,000,000." Do I understand that the whole debt shall not exceed \$50,000,000?

Mr. LAMPSON: It never can exceed in the aggregate \$50,000,000.

Mr. HARRIS, of Hamilton: And whenever any part of the \$50,000,000 is paid off no additional amount will be used.

Mr. LAMPSON: That is true; and the legislature may not authorize \$50,000,000. It may not authorize anything.

Mr. WOODS: If this goes into the constitution, do you understand that afterwards the state debt can be kept up to \$50,000,000 all the time?

Mr. LAMPSON: I do not. Whenever a part of it is paid off it will be reduced to that extent and no more can be issued in lieu of that.

Mr. WOODS: That is not what it says.

Mr. LAMPSON: That is my interpretation of it.

Mr. SHAFFER: In line 12 did you purposely leave in "general assembly"?

Mr. LAMPSON: Yes.

Mr. HARRIS, of Hamilton: Is not the statement of the member from Medina absolutely incorrect?

Mr. LAMPSON: I so understand it.

Mr. HARRIS, of Hamilton: There is nothing in the proposal by which the total amount of bonds issued can ever exceed \$50,000,000, and whenever any of them are paid no additional bonds can be issued.

Mr. LAMPSON: That is my understanding.

Mr. HARRIS, of Hamilton: Clear as sunlight.

Mr. HURSH: I would suggest to the gentleman from Ashtabula [Mr. LAMPSON] that he put that in very definite terms, because that is going to raise trouble in the campaign. It is as to whether the bond limit will be at \$50,000,000 always or not.

Mr. LAMPSON: I call the attention of the gentleman to line 13 on the yellow paper, "provided however that the general assembly may contract debts and authorize the issuance of bonds which in the aggregate shall not exceed \$50,000,000." Not in the aggregate at any one time, but in the aggregate at all times.

Mr. HURSH: Is not that language susceptible of misconstruction?

Mr. LAMPSON: I think not. The bonds all put together shall not exceed at all times \$50,000,000 and not more than \$10,000,000 in any one year.

Mr. WOODS: Are you willing to put those words in?

Mr. LAMPSON: Certainly. That is what it means.

Mr. WOODS: But it doesn't say that.

Mr. KNIGHT: There seems to be a little doubt about this matter, and in view of that I move to recess until 2 o'clock p. m. The clerks say they must have two hours at noon to put our books in shape. If there

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is to be a vote on the main proposal anyway soon I will withdraw the motion.

Mr. LAMPSON: If the word "total" were inserted before the word "aggregate" would that satisfy you?

Mr. WOODS: We want to fix this so that only \$50,000,000 can ever be issued, and if you mean that say it.

Mr. LAMPSON: My opinion of the matter is that the language is sufficiently explicit to limit the amount to an aggregate of \$50,000,000. The word "total" inserted before the word "aggregate" will not add anything to it.

Mr. KNIGHT: Would it not be equivalent to saying the total whole?

Mr. LAMPSON: Yes.

Mr. KNIGHT: And would anybody think about using that language?

Mr. LAMPSON: I think not. I think this is as explicit as it can be made.

Mr. HARRIS, of Hamilton: The language here used was practically passed upon by the highest courts of this state. It was practically the language I adopted in an amendment which cut out any possibility of exceeding \$50,000,000. The trustees of the sinking fund had that language defined, and there is no possibility that any excess over \$50,000,000 will be issued. Whenever any of the bonds that are issued are paid off, they cannot be reissued.

Mr. LAMPSON: That is my understanding of the matter.

Mr. JONES: As a member of this Convention know, I have always been opposed to this bond issue, but if it should be passed by this Convention and adopted by the people I, like every other member, am interested in having it in the best possible shape although I would oppose the proposal even if the amendment I am offering were adopted; but I want to call the attention of the Convention for a moment to the suggestion by the gentleman from Auglaize [Mr. HOSKINS], which it occurs to me has very much merit in it, and if this proposal is adopted it should be incorporated into it. There is doubtless a very prevalent feeling over the state that these inter-county roads ought to be contributed to, if built, by those directly benefited. The owners of land along which the roads run will be benefited by them, and the townships into which they go will likewise be benefited much more than townships into which they do not go. There will be special benefits to different classes of people by this expenditure. That being so, the way ought to be left open for the legislature to provide for the building of these roads by the distribution of the burdens, when it is desired to do so, among those that are benefited. I know in a number of counties with which I am familiar the people would be glad to have the lands along the roads assessed for part of the cost in order to encourage the building of the roads. As this proposal now stands there can be nothing done with the money from this bond issue except that the state shall expend the whole of it in the construction of roads. The direction is explicit that these roads shall be built, repaired, maintained, etc., by the state. That cuts out all opportunity for doing what is suggested by the gentleman from Auglaize, of getting aid from townships or from abutting property owners or by contributions from or assessments upon owners of automobiles and various other ways in which funds may be

contributed to this \$50,000,000 in order to do what is admitted by all cannot be accomplished by \$50,000,000, to-wit, provide a complete system of inter-county roads in the state. I think this provision restricting the expenditure to the state should be eliminated.

Mr. HALFHILL: Is there anything in this proposal that prevents doing the very thing that you are arguing for?

Mr. JONES: Yes, the language that the cost of constructing, rebuilding, improving, repairing and maintaining "shall be paid by the state." Now we ought to have these inter-county roads built, if they are going to be built, by any means that the legislature may provide. If the localities through which they run are willing to contribute, or if in the wisdom of the legislature it is found that they should contribute, there should be a way open to do it. If the legislature wanted to apply the automobile fees to the building of these roads there should be a way of doing so. It should not be limited to this particular fund and nothing else.

Mr. HALFHILL: The contention of the gentleman from Fayette [Mr. JONES], it seems to me, is not borne out by the reading of the proposal. There cannot be any construction that the entire cost of these roads shall be borne by the state to the extent of excluding anything like local contribution. No such construction as that can be properly placed on that language. The purpose of the proposal, as we all know, was to give the state, through the state highway department, the right to locate these roads and have general supervision over them. Now the moment that you begin to put into this proposal matters purely legislative, so that the county commissioners or the local authorities can in any way help out in this, just that moment you open the door and do away with the exclusive control of a good highway system of state roads.

Mr. JONES: What possible objection could there be, if the legislature wanted to so provide, to having, for instance, the automobile fund devoted in part to the building of these roads?

Mr. HALFHILL: That is a mere matter of detail as to creating the revenue and has nothing to do with this. The question of collecting automobile fees and putting that in here would be improper. That is a question of taxation.

Mr. LAMPSON: Would not the money collected by the state known as the automobile fund belong to the state, and could not the state use it as it saw fit?

Mr. HALFHILL: Certainly. It is now covered into the treasury and distributed in a certain way and could be exclusively devoted to the benefit of this system.

Mr. JONES: Note in this proposal that provision is made for the building of these roads by this bond issue. The language is, "such wagon roads shall be paid for by the state". Now, the wagon roads are to be built by this fund. How can you provide by legislative enactment for the building of them in any other way than is provided here and limited to those funds raised by the state?

Mr. HALFHILL: Why, it doesn't provide for them to be built any other way. It was intended that they should be built as a system of county roads under the control of the state, and the fund created here is small compared with the resources of the state undertaking

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the great internal works. We ought to be ashamed of ourselves, when we see the property of the state of Ohio now as compared with the property it had at the time the canals were built, to object to creating a fund of \$50,000,000 to improve the public highways of the state.

Mr. ELSON: Does this proposal make it possible for the state in any way to assess the property benefited by the inter-county roads?

Mr. JONES: It is well known to everybody that the question of taxation and the question of assessment come in upon an entirely different basis under the present constitution. The question of taxation is one thing levied under general law. The question of assessments is another thing, and they are levied under special laws. Does not that preclude the possibility of the use of any local assessment? The language in line 21 was "shall be paid by the state."

Mr. HALFHILL: It does not preclude it for the logical reason I have already tried to state.

Mr. JONES: I have been at sea for a month. If I were sure of that I would not have anything else to say, but it is not plain. The property by which the roads run will be very much more benefited than the property off some distance, and why should not the men along whose property the road runs contribute something to it when it enhances the value of their property?

Mr. HALFHILL: They can be assessed under this present arrangement.

Mr. KNIGHT: I would like to renew the motion to recess. It is evident that this discussion will take further time.

Mr. HALFHILL: I yield the floor, but I want it when we resume.

Mr. KNIGHT: I move that the Convention recess until 2:30 o'clock p. m.

The motion was carried and the Convention recessed until 2:30 o'clock p. m.

AFTERNOON SESSION.

The Convention met pursuant to recess and was called to order by the president.

Mr. LAMPSON: I desire to offer an amendment.

Mr. HALFHILL: I have the floor. How much time have I, Mr. President?

The PRESIDENT: Five minutes.

Mr. HALFHILL: Then I must decline to be interrupted by questions until I get through.

Gentlemen, this proposal has received a very thorough consideration by the Convention and its terms are plain and explicit. It simply says that the present limitation of the constitution against incurring debts for internal improvements, is removed, and the state is authorized to issue bonds to the amount of \$50,000,000 for the purpose of inter-county roads. That limitation of \$50,000,000 is explicit and complete, and whenever any bonds are retired that ends it. In other words, the total or aggregate issue shall be \$50,000,000, so that there can be no misunderstanding on that point. Now the proceeds of these bonds are for the purpose of constructing, building, improving and repairing a sys-

tem of inter-county roads. Do not overlook the fact that I mentioned and discussed in the early part of the session, that there are eighty-eight thousand miles of highways in the state of Ohio; that, at the outside, any system that could be established or maintained in Ohio, would not control over ten or twelve per cent of the mileage of the public highways. So that this system of roads, which it is presumed will be under the control of the state highway department, will not represent more than ten or twelve per cent of the roads or highways of the state of Ohio.

It follows then that there is ninety per cent of the highways of the state of Ohio that must be improved by local assessment—by local political subdivisions, and they are the roads that lead out onto these main arteries of trade. These are the trunk lines that are provided for here. These trunk lines or main lines of highway are the only roads which it is contemplated can be established by any system put in effect under the power granted by this proposal. That much of it is plain and I think cannot be gainsaid.

Now I want to address a little attention to the argument of the member from Fayette. Gentlemen, there is nothing that is quite so confusing as a half truth. Before we realize it, a half truth entangles us in the meshes of its uncertainty and we are involved in inextricable difficulties; and there is nothing that is so dangerous to us right now as to consider and embrace any half truths, no matter how adroitly suggested in argument. Keep in mind this is a system of state highways under state control. Nobody expects that by virtue of the power provided for here we will have any local control of these particular highways. Then the argument is suggested by the member from Fayette [Mr. JONES] that this provision in the fundamental law is wrong because it provides that the cost of these state highways shall be borne by the state. Where else should the cost be borne except by the state? These highways are the main arteries of traffic. They are the inter-county highways. There is yet ninety per cent of the highways of the state, the cost of constructing which must be largely assessed upon the local property in order that the local roadways that lead out to these inter-county highways may be improved. So as a plain proposition why should not the state bear the cost and the expense of this ten or twelve per cent of the total mileage of the highways of the state? However, it does not necessarily even have to do that in order to meet the objection that is urged by the member from Fayette, because you must distinguish between the power to tax and the power to assess; and if we do not distinguish between the power of taxation and the power of assessment as exercised under our constitution then we cannot logically consider and weigh the argument that was urged here by the gentleman from Fayette. If there is anything that is well established in Ohio it is that the power of taxation and the power of assessment are two separate powers in that they do not draw their authority from the same source in the constitution. Permit me to read the first three sections of the syllabus in the case of Reeves vs. The Treasurer of Wood County, 8 O. S. 333:

1. The power to authorize assessments, as distinguished from taxes proper, is comprehended

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in the general grant of legislative power in the general assembly.

2. Such assessments are not embraced within the meaning of the word "taxing," in the second section of the twelfth article of the constitution.

3. The power to authorize assessments for the construction of free turnpike roads, and the opening of drains, as well as for the improvement of streets and sidewalks, exists to the same extent under the present constitution as under that of 1802.

So it is important to keep that distinction in mind. Now it is very apparent to all who have observed, that under general laws providing for taxation, certain property is not taxed, as when streets are improved around churches, the church property although not taxed is assessed by way of benefits conferred for the special improvement. In other words, the power of assessment is so different from the power of taxation that we should not confuse the two at any time, especially with reference to this particular proposal, because forsooth it is argued that by putting a state highway through a part of a county you will enhance the value of certain lands that lie adjacent to that highway which is paid for by the state; and that it ought to be within the power of the state to assess a portion of the cost and expense upon adjoining lands because they are especially benefited and improved by virtue of that improvement. For if that be the correct policy, then there is ample authority under the constitution as it now exists and there will be ample authority after the passage of this proposal just as it is written. There can be no gainsaying that point. I doubt the advisability of it, but that is altogether a different thing. That is something for the legislature to take into account, and I say if it is necessary to invoke the power of assessment, it being a different power from the power of taxation, it can be exercised and put into effect right along with this proposed amendment, so that the objection raised there is met by the existing power in the constitution. The taxing power is a greater power than the power of assessment. The taxing power reaches out and takes in all the lands, whether near to the highway that we construct or whether remote from the highway. That is one of the purposes of the issuance of these \$50,000,000 of bonds. Those remote lands can be made of nearer and easier access to good roads and markets. Do you not consider that the people of the city have already improved streets and paid for them by special assessment and by adopting this they are going to do more proportionately to help out the farmers than by any other scheme of public improvement since the state was organized? Therefore, where the people of a municipality have already paid for their own local assessments and improvements of streets and have enhanced the value of their cities, they are ready to stand their proportionate assessment on the grand duplicate to make this fund for the inter-county system better, so that the products of the farm can be brought to market.

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

In line 13 after "aggregate" insert the words "of all issues."

Mr. LAMPSON: I have offered this amendment to make this emphasize what I believe the proposal already means, and I have done it to meet the suggestion of several delegates like the gentleman from Hardin [Mr. HURSH], the gentleman from Guernsey [Mr. WATSON], and the gentleman from Medina [Mr. WOODS]. Insert after the word "aggregate" in line 13 the words "of all issues," so that it will read that the general assembly may contract debts and authorize the issuance of bonds which in the aggregate of all issues shall not exceed \$50,000,000.

Mr. HURSH: I would like to have you insert in line 19, "such wagon roads shall be determined under general laws and the cost of constructing and rebuilding, improving and repairing the same shall be paid by the state." That authorizes the legislature to make other levies than the \$50,000,000.

Mr. LAMPSON: They can do that anyway, and this does not authorize it.

Mr. WINN: Suppose the national government should enter upon a plan of improving the roads, and one of the bills now pending in congress provides for an apportionment of the money among the states according to the amount that the states will provide—in other words, that the United States government will give an equal amount with the state—suppose such a law were enacted, would there be any way by which this fund could be used in connection with the national fund to construct roads?

Mr. LAMPSON: I think so.

Mr. WINN: Find it. It is provided that these roads shall be built under general laws and the state is to do the constructing, building and improving. Suppose congress provides a plan and that is put under some department of the national government, and they come into Ohio and want to appropriate \$25,000,000 or \$50,000,000 if we appropriate the same amount. None of this money could be available.

Mr. LAMPSON: If the national government undertakes to do anything of that kind it must act with the authority of the state. It could not act with the authority of the counties or municipalities.

Mr. WINN: I do not think you understand what I am talking about. I did not make myself clear. This provides that the state shall have charge of constructing, repairing, maintaining. That does not contemplate that the state in conjunction with any county or any other official or national government may expend this money in the construction of roads. Is it not confined absolutely to the authorities of the state?

Mr. LAMPSON: It must be by the state and the state must have control. I know nothing about the feeling of congress, but if a proposition is made to allow the general government to come into the state and undertake to control the roads you will be up against public sentiment that you cannot get over. You will be invading state rights.

Mr. BROWN, of Highland: Suppose the United States government wants to help and the state accepts, who in Ohio would object to it?

Mr. LAMPSON: There would not be anybody to object.

Mr. HALFHILL: It is a well-known fact that the

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United States appropriates its money for public improvement only in two ways: One is by giving a gratuity to the state whereby the state has control, and the other is by taking the entire jurisdiction to itself. In this instance it would be a gratuity.

Mr. WINN: How do you know?

Mr. LAMPSON: I know that the state would not relinquish its rights.

Mr. WINN: Might not the government undertake to take upon itself the construction of the Erie canal?

Mr. HALFHILL: The government never takes control of any such a thing unless it has jurisdiction and title.

Mr. LAMPSON: I undertake to say there is not a state in the Union that would surrender its rights to the general government to control its public highways.

Mr. TAGGART: Does the provision of Proposal No. 118 in anyway provide that the cost of constructing, rebuilding, improving, repairing, maintaining, etc., shall be exclusively paid by the state?

Mr. WINN: No, sir; it does not.

Mr. DWYER: I was going to suggest this: I believe it would be a great calamity to have the general government come into Ohio to build roads, and I will give you my reasons in just a moment. All over Ohio we have good turnpike roads. All through the South they have not any. All through the West and especially in Kansas they have not any. If we get the government to building roads we will have to pay for those roads, and we will pay more than our proportion because we have a level country and good roads. It would be an unfortunate thing to have the general government build roads in Ohio, for if it built roads in Ohio it would build roads in other states. I have had experience in this matter. We have a good level country here and good roads. If the general government builds roads here it must build in Arizona and New Mexico and all through the South, where they haven't any roads, and we shall have to pay for them. We had better build our own roads and let the general government alone.

Mr. FITZSIMONS: Mr. President and Gentlemen of the Convention: I am opposed, on general principles, to the state's going into a bond issue to build roads, but if the wisdom of the people of the state stands for the issue of the bonds I, for one citizen of the state of Ohio, want to see the proposition go through entirely in the hands of the state without any entanglement whatsoever from any section or subdivision of the state. I do not want any donations from the counties to that fund. I want nobody responsible for that issue and for that application of that entire proposition but the state of Ohio. I know from experience what it means to take in the counties and townships in a proposition of that sort. It means logrolling at every point, and when your road system is completed it is a laugh for the age. Let the state of Ohio build the grand arteries of communication where in its judgment they will fit and let the counties conform to these arteries just as the body physical responds to the main arteries of the same. When we do that we have a comprehensive system that begins somewhere and ends where it was intended to end, and the result of it will be that we will have a line of roads for an extravagant price, because you are willing to saddle on your children a sum total

in the aggregate for the interest to men who do not do a bit of work. Personally I would like to see \$150,000,000 expended for good roads in Ohio, and I believe it would be an economic outlay in its results, but on the other hand I want a dollar's worth of roads for every dollar's worth of money taken out of the pockets of the people of Ohio for the road proposition. When we do that, instead of having five thousand miles of roads for an outlay of \$120,000,000, or about \$24,000 a mile, you will have for the same amount about twelve thousand miles of road. That difference of seven thousand miles of main arteries in the state of Ohio is worth considering. Is it not the proper thing for us to figure on that? It is our children that have to pay that we may run over the roads in our days. That is not a broad spirit. Let us aim to leave those following us as good conditions as we have had. It will be less of a hardship to give them good roads that we have paid for than it was for our progenitors to dig out of the wilderness roads of Ohio that we might go through them. But if we decide to issue this \$50,000,000 of bonds that will cost \$120,000,000 before we are through, in the name of common sense let us keep the business in our own hands. Do not let us enter into any negotiation or alliance with any county on anybody that has an axe to grind. Give it to the highway commission, and let that end it, and let them give us such roads as meet the requirements of the age. When we do that the counties will have the privilege of taxing themselves to meet the building of the laterals to connect with them, and when we do that we will have a road system that is extensive, and we shall have nothing to regret except the error of bonding ourselves instead of paying as we go, and we will have a road system that will be a credit to Ohio.

Mr. HARRIS, of Hamilton: May I ask a question?

Mr. FITZSIMONS: Yes.

Mr. HARRIS, of Hamilton: As long as you have lived in Cleveland have you ever voted for a bond issue?

Mr. FITZSIMONS: Yes; I voted for one the other day.

Mr. HARRIS, of Hamilton: You have been guilty of the heinous crime of putting on future generations a bond issue?

Mr. FITZSIMONS: I voted the other day to bond the city of Cleveland for a playgrounds for the children, knowing full well that I was handing the matter over to the children to pay the cost of the same in the future.

Mr. HARRIS, of Hamilton: Have you ever voted for any other bond issue?

Mr. FITZSIMONS: Yes, and I expect to do so again as long as we are silly enough to keep to the bonding proposition.

The amendment was agreed to.

Mr. MOORE: I am opposed to this scheme of issuing bonds to build a temporary improvement for which posterity will have to pay at a time when these roads will probably be worn out. We have been talking about good roads. Now a good road is a road that will last half a century, and there is no provision here for good roads. This is a scheme to issue bonds. There are millions of dollars in this country that are seeking investment every year, and this bond issue will make a market for the investment of \$50,000,000 which will draw interest without labor. To that extent it is an invest-

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ment which may be termed parasitic. There are many counties in this state that are now heavily bonded for good roads. They have built roads and spent millions of dollars. If this bond scheme is adopted by the people, these counties will be rebonded and the money will be spent in the counties that have not had enterprise enough to bond themselves and to build their own roads, and to that extent it will be unfair. Now we are to borrow \$50,000,000, and if we get \$50,000,000 worth of roads, which I doubt, it will cost us in total levy about \$100,000,000 to pay off that \$50,000,000. We could get \$50,000,000 worth of roads for \$50,000,000 if we didn't issue the bonds.

I have been charged with voting against good roads. I have been voting in favor of good roads and against bankruptcy, and I do not believe in an unlimited issue of bonds. Our states and our nation and the nations of the world and the business enterprises of the world, the railroads, the factories and the industries generally, are bonded for sums incalculable, and personally, I do not believe that this capitalization will ever be paid. The development of the great, rich agricultural land is almost at an end, unless the system under which our business is conducted is radically changed. The fertility is escaping. People who work the land are going into the mills and factories and you will have to see a change in the whole system before there is anything like general prosperity, and this scheme of issuing bonds for roads that we cannot pay cash for is only putting off the day of reckoning. There will come a time when men will refuse to pay. I am opposed to any thing like repudiation, but if we walk deliberately into it, there will come a day of judgment.

There is still another phase. If this issuing of bonds, unlimited in extent for building public service enterprises upon which the people will have to pay the interest, dividends and profits, continues, we may as well issue bonds and build them ourselves. If we permit an issue of bonds to build a railroad, why not issue the bonds and build the railroad? If we issue bonds to build railroads, we will eventually own the roads. There is not much difference in paying two cents at a toll gate when you pass through, and in having some one come to the county treasurer's office and collect three and a half per cent for building the roads. In effect it is the same thing as private ownership of a public highway.

I am going to vote against the bond scheme, but I want to declare before the Convention that if there is anybody in favor of good roads, and if any county in the state needs good roads it is Muskingum county, and I am the man, but I am opposed to this issue of bonds.

Mr. CASSIDY: I offer an amendment.

The amendment was read as follows:

In line 12 strike out the words, "the general assembly may" and in lieu thereof insert the following: "laws may be passed to".

The amendment was agreed to.

Mr. FESS: Gentlemen of the Convention: It seems to me that we have discussed this proposition pro and con for all there is in it, so I call for the previous question.

The main question was ordered.

The PRESIDENT: The question is on the passage of the proposal.

The yeas and nays were taken, and resulted—yeas 83, nays 25, as follows:

Those who voted in the affirmative are:

Antrim,	Harter, Huron,	Price,
Beatty, Morrow,	Harter, Stark,	Read,
Beyer,	Hoffman,	Redintgon,
Bowdle,	Holtz,	Riley,
Brown, Highland,	Johnson, Madison,	Rockel,
Brown, Pike,	Kerr,	Roehm,
Campbell,	Kilpatrick,	Rorick,
Cody,	King,	Shaffer,
Collett,	Knight,	Shaw,
Colton,	Kramer,	Smith, Geauga,
Crosser,	Lambert,	Stamm,
Cunningham,	Lampson,	Stevens,
Davio,	Leete,	Stewart,
Doty,	Leslie,	Stilwell,
Dunlap,	Longstreth,	Stokes,
Dunn,	Ludey,	Taggart,
Dwyer,	Malin,	Tallman,
Fackler,	Marriott,	Tannehill,
Farnsworth,	Marshall,	Tetlow,
Farrell,	Matthews,	Thomas,
Fess,	McClelland,	Ulmer,
FitzSimons,	Miller, Crawford,	Walker,
Fox,	Miller, Fairfield,	Watson,
Hahn,	Miller, Ottawa,	Weybrecht,
Halfhill,	Nye,	Winn,
Harbarger,	Okey,	Wise,
Harris, Ashtabula,	Peck,	Mr. President.
Harris, Hamilton,	Peters,	

Those who voted in the negative are:

Baum,	Hoskins,	Norris,
Beatty, Wood,	Hursh,	Partington,
Brattain,	Johnson, Williams,	Pierce,
Cordes,	Jones,	Smith, Hamilton,
Crites,	Kehoe,	Soletcher,
Donahey,	Kunkel,	Stalter,
Evans,	Mauck,	Wagner,
Fluke,	Moore,	Woods.
Halenkamp,		

So the proposal passed as follows:

Proposal No. 118—Mr. Lampson, to submit an amendment to article VIII, section 1, of the constitution.—To extend to fifty million dollars the state bond limit for inter-county wagon roads.

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

ARTICLE VIII.

SEC. 1. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money, arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever; provided, however, that laws may be passed to contract debts and authorize issues of bonds to an amount which in the aggregate of all issues shall not exceed fifty million dollars for

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the purpose of constructing, rebuilding, improving and repairing a system of inter-county wagon roads throughout the state. Not to exceed ten million dollars of such bonds shall be issued in any one year, and there shall be levied and collected annually by taxation an amount sufficient to pay the interest on said bonds and to provide a sinking fund for their redemption at maturity, and laws shall be passed to provide for the maintenance of said roads. Such wagon roads shall be determined under general laws and the cost of constructing, rebuilding, improving, repairing and maintaining the same shall be paid by the state. The provisions of this section shall not be limited or controlled by section 6, of article XII.

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

Mr. KING: I ask unanimous consent to offer a report so that it may go upon the calendar for tomorrow.

Consent was given and the report was read as follows:

The standing committee on Schedule, to which was referred Proposal No. 340—Mr. Taggart, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out the word "either" in line 4 and insert the word "any" in lieu thereof. After the figures "1913" strike out the period and insert a comma and these words: "except as otherwise specifically provided in any of the said amendments."

After the word "repealed" in line 7 strike out the period and insert semi-colon and these words: "provided that all cases pending in the courts at the time this amendment takes effect shall be heard and tried in the same manner and by the same procedure as is now authorized by law."

The report was agreed to. The proposal was ordered to be engrossed and read the second time in its regular order.

On motion of Mr. Doty the proposal as amended was ordered printed and placed on the calendar for second reading tomorrow.

Mr. Fess rose to a question of privilege, and asked that his vote be recorded on Proposal No. 54, by Mr. Elson. His name being called, Mr. Fess voted "aye."

Mr. Fess rose to a question of privilege, and asked that his vote be recorded on Proposal No. 72, by Mr. Stokes. His name being called, Mr. Fess voted "aye."

Mr. Fess rose to a question of privilege, and asked that his vote be recorded on Proposal No. 209, by Mr. Cordes. His name being called, Mr. Fess voted "aye."

Mr. Fess rose to a question of privilege, and asked that his vote be recorded on Proposal No. 24, by Mr. Cordes. His name being called, Mr. Fess voted "aye."

Mr. Fess rose to a question of privilege, and asked that his vote be recorded on Proposal No. 236, by Mr. Worthington. His name being called, Mr. Fess voted "aye."

Mr. Fess rose to a question of privilege, and asked that his vote be recorded on Proposal No. 100, by Mr. Fackler. His name being called, Mr. Fess voted "aye."

Mr. Fess rose to a question of privilege, and asked that his vote be recorded on Proposal No. 241, by Mr. Dwyer. His name being called, Mr. Fess voted "aye."

The PRESIDENT: The next is Proposal No. 122 by Mr. Farrell.

The proposal was read the third time.

Mr. HARRIS, of Hamilton: I offer an amendment.

The amendment was read as follows:

Strike out in line 6 "a minimum wage".

Mr. HARRIS, of Hamilton: The proposal with the exception of minimum wage seems so sound that I am very anxious to vote for it, and even if my amendment is tabled I state that I shall vote for same because it contains so much that appeals to me that I do not want to oppose it, but the words "minimum wage" mean nothing. They are put in to fool the laboring men. The members of the labor unions know that the words "minimum wage" will accomplish no practical results, absolutely none, and the words are there for the purpose of saying to the laboring men of the state that we have done something for you. As a matter of fact nothing in that direction has been done or can be done for them of a practical nature and I want to voice my protest against such a procedure.

Mr. DWYER: The parliament of England within a month passed a minimum wage for nearly a million to save strikes and trouble. If the house of commons and the house of lords and the king gave their assent to a minimum rate of wage to protect the miners of England from starvation, why should not we in this country have the same right to protect our people from starvation?

Mr. HARRIS, of Hamilton: For your information I will say something that you do not seem to know—

Mr. DWYER: You can't give me any information on that point. I know.

Mr. HARRIS, of Hamilton: The minimum wage did not settle the coal strike in England and has not settled it and has meant nothing to the people.

Mr. DWYER: Did not parliament pass the law?

Mr. HARRIS, of Hamilton: Parliament did the same thing that this Convention proposes to do and its action was without any practical results, so much so that the leaders of the miners in England, for whom the minimum wage was adopted, are holding consultations about "striking" again.

Mr. DWYER: I challenge that statement because there is no proof of it.

Mr. HARRIS, of Hamilton: The proof is the public press.

Mr. DWYER: I beg pardon; the public press does not say that.

Mr. HARRIS, of Hamilton: You have not read it and I have read it. Your judgment is negative; mine is positive, and there are enough laboring men here who keep posted and who know my statement is accurate—

Mr. DWYER: It is not in the public press.

Mr. PECK: Where do you find that proposition that the labor strike is not settled?

Mr. HARRIS, of Hamilton: I do not carry the newspapers about with me to exhibit. It is a matter of common knowledge to those who read the daily papers—

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Mr. PECK: You assert with great confidence, but you do not offer the proof; Judge Dwyer knows what he is talking about and you do not. It has settled the coal strike notwithstanding the talk of some people, and there is no question about our power to do this.

Mr. HARRIS, of Hamilton: This statement, like many others that you are in the habit of making, is careless and loose.

Mr. PECK: The statement you make is very impudent, like a good many others you are in the habit of making. You had better find out something before you talk. That is what you had better do.

Mr. HARRIS, of Hamilton: I know what I am talking about and I know the facts so far as they can be ascertained in this country. The minimum wage in England has been a much disputed question. I shall at the first opportunity present the newspapers verifying my statement.

Mr. PECK: Parliament acted upon the subject and the strike abated and there have been some people—perhaps some people like you—discontented and not satisfied with anything, and they have been trying to get it up again, but it has not aroused much interest and the fact is that the strike is over.

Mr. HARRIS, of Hamilton: The question is as I have stated and I clearly understand it.

Mr. PECK: Nonsense. Nobody understands anything but you.

Mr. HARRIS, of Hamilton: The commission in England established a minimum wage and the miners are not satisfied with the minimum so established. They will not accept this minimum wage.

Mr. DWYER: Where is the proof? Have you any proof?

Mr. HARRIS, of Hamilton: I am telling you that my statements are based on Associated Press dispatches.

Mr. DWYER: I deny it.

Mr. HARRIS, of Hamilton: Not expecting that this question would come up, you would not expect me to carry around the papers for the benefit of those who do not read papers. It is an extraordinary statement for the gentlemen in question, in whom I have the highest confidence, to deny the accuracy of a statement which I make and which those who do read the daily papers are familiar with. I would not offend either of the gentlemen for the world, but if they will consider for a moment they will see why I take exceptions to this proposal as it reads. They may establish a daily minimum wage of \$1.50. A working man cannot live decently for less than \$2.00 daily, so how could he accept \$1.50? Those are the conditions in England and the coal miners are on the threshold of another strike, notwithstanding the encyclopedic knowledge of my esteemed friends from Montgomery [Mr. DWYER] and Hamilton [Mr. PECK].

Mr. PECK: Wait until the strike comes. You know in advance what they have in their minds and we do not.

Mr. HARRIS, of Hamilton: So in advocating the striking out of these words, "minimum wage," I am advocating something to the interest of the laboring men, because I do not want them to bear the burden of their opponents claiming that after the working men had first agreed to accept the minimum wage, they then had repudiated the agreement. They may and probably will establish a minimum wage below the cost of living.

Mr. PECK: We are just leaving it to the general assembly.

Mr. STILWELL: Is your complaint against the principle or the size of the minimum? The miners are not making complaint against the minimum wage as a principle, but against the size of the minimum wage established.

Mr. HARRIS, of Hamilton: I have not argued with these gentlemen on the question of principle. I ask you whether my statements are correct and whether the miners of England do or do not complain about the minimum wage actually established by the commission?

Mr. STILWELL: There is some complaint, but far from being by a majority of the miners. They have already accepted it. There are various amounts paid, according to the district, and some of them have the minimum too low for their particular branch of trade.

Mr. HARRIS, of Hamilton: Is not the variance so great as to threaten another strike?

Mr. STILWELL: Not against the principle.

Mr. HARRIS, of Hamilton: No, but against the amount. I am complaining against Judge Peck and Judge Dwyer denying and contradicting the correctness of my statements, but I want to say in conclusion that I forgive both of them.

Mr. PECK: Neither of them has asked your forgiveness.

Mr. HARRIS, of Hamilton: Judge Peck insists on getting angry. I refuse to get angry, because my statement has been verified by Mr. Stilwell, the labor leader.

Mr. JOHNSON, of Williams: I would like to make a few remarks in regard to this subject because I am compelled to be against it, but not for the reason that Mr. Harris, of Hamilton, is opposed to it. I believe the laboring men are in favor of the proposition and that, gentlemen, is not the reason I am opposed to it. I think it will prove detrimental. I have been in a country something like a republic when the laboring men ran the affairs of that government. They had a minimum wage and it was fixed at eight shillings, or about \$2 a day. I heard the premier of South Australia make a speech in Melbourne wherein he wanted the minimum wage run up to nine shillings instead of eight. I tell you that everything in Australia is worse today than ever before in its existence. I know the minimum wage was fixed in New Zealand, and an old gentleman seventy years of age was working for a man that he had been working for for six years, but as he was getting old, the gentleman he was working for agreed with him on the price of seven shillings per day, but the union would not let him go to work because the minimum wage was eight shillings, and in six months from that time that old man of seventy years landed in the poor house. If I thought this would accomplish any good I would vote for it. I voted for every proposition that the laboring men wanted and I dare say I did it from conscientious motives. I am not a candidate and I do not expect that I ever shall be, and I just vote my sentiments, but I want to say to the gentleman from Hamilton [Mr. HARRIS] that he has a wrong impression and the laboring men have a right to expect that it will do some good, but I don't think it will. I would like to vote for it, but I cannot do it because I think it will not do any good.

Mr. STILWELL: You would not deny the recogni-

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tion of this principle simply because an elderly gentleman out in Australia was denied the right to violate the law?

Mr. JOHNSON, of Williams: As before stated, I heard the premier of South Australia speak in Melbourne. He advocated a minimum wage of nine shillings per day. I know that the working people of Australia think they are slaves of the money men. I was in Australia when four of the six states of Australia were in control of the labor party. I also know that they have had a reaction since then. I know that a proposition for nationalizing many of the industries of that commonwealth has been voted down. I do not like tyranny of any kind. In some parts of Australia if the laboring man does not vote as the leaders dictate he is treated worse than a scab. That is not a free government.

Mr. STILWELL: Do you not realize that we are in Ohio?

Mr. JOHNSON, of Williams: Yes, and it amuses me to hear some of the gentlemen on this floor talk. When we were talking about Pennsylvania the other day they told us, "but this is Ohio." I know that we in Ohio adopted the Australian ballot system. I know you added the Torrens land system, and now it comes with very poor grace from my friend from Cuyahoga to tell me that we are in Ohio. Yes, we are in Ohio. I heard Vice-President Sherman talk about being "abroad" when he was a candidate for vice president. Yet I know, with all of my experience away from home, that we are in the grandest state in the Union, but I know we can learn something from somebody else. I know I am representing the best county in Ohio and I know that I live in the best part of Williams county and we have one of the best towns you ever saw.

Now, the laboring men of Australia, like the laboring men of everywhere else, do not like to be pinched. They are for permitting a man to live.

Mr. DWYER: Will you pardon me?

Mr. JOHNSON, of Williams: Yes; I will pardon anybody.

Mr. DWYER: You are opposed to sweat shops?

Mr. JOHNSON, of Williams: Yes. I think if some of the men who hire the poor boys and girls did not have so much greed in their souls things would be a good deal better.

Mr. DWYER: You are opposed to pauper wages?

Mr. JOHNSON, of Williams: I certainly am.

Mr. DWYER: How are you going to prevent it? Now I want to give you an illustration. The railroads of this state and all over the country are paying good wages to their engineers. Why? Because the engineers are organized and demand it. They are paying good wages to their conductors. Why? Because they are organized and demand it. They are paying good wages to their firemen and for the same reason. They are paying good wages to all who are organized because they can demand it—

Mr. JOHNSON, of Williams: Let me answer.

Mr. DWYER: Wait until I get through. But take the men who work on the tracks, work in all kinds of weather on the tracks, the men who have no organization, the laboring men, and they are given \$1.25 a day. Why? Because they have no organization. Now I am

in favor of having minimum wages and having a commission to compel these men to pay more wages to that class of men.

Mr. JOHNSON, of Williams: I have been a friend of the laboring men when sometimes they have not been their own friend. I wish to tell my friend from Cuyahoga that I have always been opposed to the tariff tax that is robbing the laboring men on the theory that it will give the capitalists a large profit to be divided up with the laboring men, but there is never any division and the laboring men don't get their share.

Mr. PECK: Did you ever know any set of men, laborers or otherwise, that were satisfied?

Mr. JOHNSON, of Williams: No, sir; and that is the trouble. I want it on a square basis. If you want to vote for this to help the laboring men, I say amen. But I don't believe that you are going to help him any.

Mr. DOTY: In the interest of harmony and especially as between the various members of the Cincinnati delegation, I move that this amendment be tabled.

The motion was carried.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 96, nays 5, as follows:

Those who voted in the affirmative are:

Anderson,	Hoskins,	Peters,
Antrim,	Hursh,	Pierce,
Beatty, Morrow,	Johnson, Madison,	Price,
Beatty, Wood,	Jones,	Read,
Beyer,	Kehoe,	Redington,
Bowdle,	Keller,	Riley,
Brown, Highland,	Kerr,	Rockel,
Campbell,	Kilpatrick,	Roehm,
Collett,	King,	Rorick,
Cordes,	Knight,	Shaffer,
Crosser,	Kramer,	Shaw,
Davio,	Kunkel,	Smith, Geauga,
Donahey,	Lambert,	Smith, Hamilton,
Doty,	Lampson,	Solether,
Dunlap,	Leete,	Stamm,
Dunn,	Leslie,	Stevens,
Dwyer,	Longstreth,	Stewart,
Fackler,	Ludey,	Stilwell,
Farnsworth,	Malin,	Stokes,
Farrell,	Marriott,	Taggart,
Fess,	Marshall,	Tallman,
FitzSimons,	Matthews,	Tannehill,
Fluke,	Mauck,	Tetlow,
Fox,	McClelland,	Thomas,
Hahn,	Miller, Crawford,	Ulmer,
Halenkamp,	Miller, Fairfield,	Wagner,
Halfhill,	Moore,	Walker,
Harbarger,	Norris,	Watson,
Harris, Hamilton,	Nye,	Weybrecht,
Harter, of Huron,	Okey,	Winn,
Henderson,	Partington,	Wise,
Hoffman,	Peck,	Mr. President.

Those who voted in the negative are: Brown, of Pike; Cunningham, Harris of Ashtabula; Holtz, Johnson, of Williams.

So the proposal passed as follows:

Proposal No. 122—Mr. Farrell, to submit an amendment by adding section 34 to article II, of the constitution.—Welfare of employes.

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:

Mechanics' and Builders' Liens—Reports of Standing Committees.

ARTICLE II.

SEC. 34. Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety and general welfare of all employes; and no other provision of the constitution shall impair or limit this power.

Proposal No. 166—Mr. Stilwell, was read the third time.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 102, nays 4, as follows:

Those who voted in the affirmative are:

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

Those who voted in the negative are: Brattain, Brown, of Pike, Crites, Tallman.

So the proposal passed as follows:

Proposal No. 166—Mr. Stilwell, to submit an amendment by adding section 33 to article II, of the constitution.—Mechanics' and builders' liens.

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 II.

SEC. 33. Laws may be passed to secure to mechanics, artisans, laborers, sub-contractors and material men, their just dues by direct lien upon the property, upon which they have bestowed labor or for which they have furnished material. No other provision of the constitution shall impair or limit this power.

Mr. Colton submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 96— Mr. Fess, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In the title strike out all after dash and insert: "Creating office of superintendent of public instruction to replace state commissioner of common schools."

In line 5 after "instruction" insert: ", to replace the state commissioner of common schools".

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Knight submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 5— Mr. Cunningham, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out the title and insert: "To amend article V, section 1, of the constitution. — Omitting word 'white'".

Strike out all of lines 2 and 3 after "proposal" and insert: "to amend the constitution shall be submitted to the electors to read as follows:"

Between lines 3 and 4 insert subhead ARTICLE V.

In line 4 change "Section" to "Sec.".

In line 6 strike out "precinct".

In line 6 strike out the last comma.

In line 7 change "qualification" to "qualifications".

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Knight submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 15—Mr. Riley, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In the second line of title strike out all after the dash and insert: "Depositions by state and comment on failure of accused to testify in criminal cases."

In line 5 change "Section" to "Sec."; and strike out "and".

In line 7 strike out "in all" and insert "cases involving".

In line 7 strike out "a punishment" and insert "the penalty provided is".

In line 8 strike out "is provided," and insert a comma after "penitentiary".

In line 9 insert comma after "infamous".

In line 10 after the first "jury" insert a semi-colon.

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In line 10 after "persons" insert "necessary".

In lines 10 and 11 strike out "concurrence of what".

In line 11 strike out "shall be necessary to find" and insert "necessary to concur in finding".

Eliminate paragraph in lines 12 and 13.

In line 17 strike out asterisks.

In lines 23 and 24 eliminate paragraph.

In lines 26 and 27 eliminate paragraph.

In lines 26 strike out "the same."

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Nye submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 212—Mr. Johnson, of Williams, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended.

Strike out all after first period in title and insert: "Limiting veto power of governor."

Between lines 3 and 4 insert subhead ARTICLE II.

In line 4 change "Section" to "Sec."

In line 4 insert "on" after "read".

In line 6 change "rules" to "rule".

In lines 10 and 11 eliminate paragraph.

In line 11 strike out "a".

In line 11 insert a comma after "shall".

In line 11 strike out "can".

In line 12 change "come" to "comes".

In line 12 strike out comma after "governor".

In line 12 change "approve" to "approves".

In line 12 strike out the word "it".

In line 13 between "it" and the period insert: "and thereupon it shall become a law and be filed with the secretary of state."

In line 13 change "send" to "return".

In line 16 after "governor" insert a comma.

In line 16 strike out "then agree" and insert "vote".

In line 17 insert a comma after "house".

In line 18 strike out "then agree" and insert "vote".

In line 19 insert a comma after "governor".

In line 19a change "can" to "shall".

In line 19b change "first" to "original".

In line 21 between "law" and the comma insert: "in like manner as if he had signed it".

In line 23 insert a comma after "adjournment".

In line 23 between "objections" and the comma insert: "in writing".

In line 26 strike out "stricken therefrom" and insert "void".

In line 27 change the second "the" to "a".

In lines 11 and 21 change capitals "G" and "A" to lower case "g" and "a".

Mr. JOHNSON, of Williams: I was going to ask to have the further consideration postponed until tomorrow because I have no printed copy before me, but a friend loaned me his book. Still there are so many

amendments I do not know whether I am in favor of it or not, and I would like to have the consideration postponed.

Mr. LAMPSON: There are no amendments that change the substance at all. They are simply changes in the wording.

Mr. JOHNSON, of Williams: Then the only question is, if the initiative and referendum should carry would the governor's veto affect that? I don't think it would. My friend has never deceived me and I will withdraw my motion to defer consideration. I just want a fair consideration, and if it is not fair I do not want it passed.

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Nye submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 240—Mr. Anderson, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out title and insert: "To submit an amendment by adding section 19a to article I of the constitution.—Damages for wrongful death."

Strike out lines 4, 5 and 6 and insert:

ARTICLE I.

"Sec. 19a. The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect or default of another, shall not be limited by law."

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Halfhill submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 62—Mr. Pierce, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out the title and insert: "To submit an amendment to article I, section 9, of the constitution.—Abolition of capital punishment."

In line 10 change "Section" to "Sec."

In lines 13 and 13a eliminate paragraph.

In line 13b strike out the comma.

Strike out lines 4 to 8 and lines 14 to 26 inclusive.

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Halfhill submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 51—Mr. Miller, of Crawford, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

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In the title strike out all after dash and insert: "Regulating insurance."

In line 5 strike out "Section 6. The general assembly shall never authorize" and insert: "Sec. 6. No laws shall be passed authorizing".

In line 9 change semi-colon to colon.

In lines 9 and 10 and in lines 12 and 13 eliminate the paragraphs.

In line 10 change "Providing" to "provided," and strike out "however;".

In line 10 insert "the insuring of" after "prevent".

In line 11 strike out "being insured."

In line 13 strike out "The general assembly may provide by law" and insert: "Laws may be passed providing".

The report was agreed to. The proposal was ordered to be engrossed and placed on the calendar of today for third reading.

Mr. Halfhill submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 322—Mr. Bowdle, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In title insert after "amendment" the words: "by adding Section 39 to".

In title strike out all after dash and insert: "Regulating expert testimony in criminal trials."

Between lines 3 and 4 insert subhead "ARTICLE II."

In line 4 before "Laws" insert "Sec. 39."

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Doty submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 184—Mr. Peck, having the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In line 1 of title change "Section" to "Sections".

In title strike out all after first dash and insert: "Change in judicial system."

Between lines 3 and 4 insert subhead "ARTICLE IV."

In line 4 change "Section" to "Sec."

In line 8 change "Section" to "Sec."

In line 12 insert "to" after "or".

In line 14 strike out the comma after "prohibition" and insert "and" and insert a comma after "procedendo".

In line 15 insert a comma after "state".

In line 16 strike out "and".

In line 16 strike out "also" and insert "and".

In line 17 insert a comma after "appeals".

In line 21 change "terms" to "term".

In line 22 after "years," insert "as may be prescribed by law,".

Eliminate paragraph in lines 23 and 24.

In line 26 insert a comma after "judgment".

In line 29 after the first "of" insert "at least".

Eliminate paragraphs in lines 30 and 31.

In line 32 strike out "the" and insert "any".

In line 33 insert comma after "court" and after "review".

In line 35 change "Section" to "Sec."

In line 36 change "and divided" to "bounded".

In line 37 insert a comma after "judges" and change "statute" to "law".

In line 40 strike out "continue to" and insert "the" after "be".

In line 42 change "expirations" to "expiration".

In lines 43 and 44 strike out "respectively" and insert "respective" after the second "the" in line 43.

In line 44 insert a period after "arise".

In lines 44 and 45 strike out: "and the same number shall be elected in each district".

In line 45 change "enacted" to "passed".

In line 48 insert "in the district" after "county".

In line 49 strike out the comma after "district".

In line 51 change "courts" to "court".

In line 52 strike out "his".

In line 53 insert "appellate" before "district".

Eliminate paragraph in lines 53 and 54.

In line 54 strike out "respective" and insert "respective" before "circuit".

In line 55 change "court" to "courts".

In line 56 after the first "the" insert "respective".

In line 57 change "court" to "courts".

In line 57 strike out "the existence of".

In line 57 insert a comma after "into".

In line 58 insert a comma after "by".

In line 58 change "its" to "their".

Eliminate paragraph in lines 58 and 59.

In line 59 change "C" and "A" to lower case "c" and "a".

In line 60 insert a comma after "procedendo".

In line 61 insert a comma after "pleas".

In line 62 strike out the first "and".

In line 63 change "said" to "the" and change "appeal" to "appeals".

In line 64 strike out "such as involve" and insert: "cases involving".

In line 64 after "constitution" insert: "of the United States or".

In line 65 strike out: "or the United States, or".

In line 65 strike out "or" after "felony".

In line 66 strike out first "or" and insert "and".

In line 67 change "the" to "any".

In line 70 insert comma after "evidence".

In line 71 insert a semi-colon after "questions".

In line 73 after "any" insert "other".

Eliminate paragraph in lines 74 and 75.

Mr. DWYER: In view of the many changes it would be well to refer that back to the committee on Judiciary.

Mr. DOTY: I will simply move that the further con-

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sideration of the report of the committee be deferred until tomorrow morning and that it be placed upon the calendar at that time. The member from Montgomery desires to look over it before it is agreed to.

Mr. DWYER: There are so many changes.

Mr. DOTY: That is true and I make that motion. The motion was carried.

Mr. Doty submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 163—Mr. Miller, of Crawford, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out all after the dash in the title and insert: "Eligibility of women for appointment to certain offices."

Between lines 3 and 4 insert ARTICLE XV.

In line 4 before "no" insert "Sec. 4."

In line 5 change semi-colon to colon.

Strike out all of line 6 after "that" and all of line 7 up to and including "of".

In line 7 strike out the comma after "citizens" and insert "may be appointed,".

In line 10 strike out "where" and insert "involving" and insert a period after "both."

In line 10 strike out comma.

Strike out line 11.

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Doty submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 169—Mr. Worthington, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In title insert after "amendment" the following: "by adding section 10 to".

In title strike out "Relative to the" and capitalize "c" in "civil".

In line 5 insert "Sec." in lieu of "Section".

In line 7 insert comma after "ascertained" and a comma after "practicable".

In lines 7 and 8 strike out: "And it shall be the duty of the general assembly to enact laws" and insert: "Laws shall be passed".

In line 9 strike out "hereof" and insert: "of this provision."

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Antrim submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 64—Mr. Miller, of Fairfield, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out title and insert:

"To submit an amendment by adding section 36 to article II, of the constitution.—Conservation of natural resources."

Between lines 3 and 4 insert subhead "ARTICLE II."

Strike out lines 4 to 15 inclusive and insert:

"Sec 36. Laws may be passed to encourage forestry, and to that end areas devoted exclusively to forestry may be exempted in whole or in part, from taxation. Laws may also be passed to provide for converting into forest reserves such lands or parts of lands as have been or may be forfeited to the state, and to authorize the acquiring of other lands for that purpose; also, to provide for the conservation of the natural resources of the state, including the development and regulation of water power and the formation of conservation districts; and to provide for the regulation of methods of mining, weighing, measuring and marketing all minerals."

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Fess submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 134—Mr. Halenkamp, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out title and insert: "To submit an amendment by adding section 21 to article IV of the constitution.—Contempt proceedings and injunctions."

Between lines 3 and 4 insert subhead: "ARTICLE IV."

Before "Laws" in line 4 insert: "Sec. 21."

In line 5 strike out "supreme court and other".

In lines 5 and 6 strike out "and for the regulation of" and insert "regulating".

In line 6 insert a comma after "contempt".

In line 7 strike out "persons adjudged guilty of" and insert "for".

In lines 7 and 8 eliminate paragraph.

In lines 8 and 11 strike out "industrial".

In line 10 change comma to semi-colon.

In lines 11 and 12 strike out "involving the employment of labor".

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Fess submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 34—Mr. Thomas, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out title and insert:

"To submit an amendment by adding section

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41 to article II of the constitution. — Abolishing prison contract labor."

Between lines 3 and 4 insert subhead "ARTICLE II."

In line 4 before "Laws" insert "Sec. 41."

In line 7 strike out "to work".

In line 8 insert "to work" after "thereto".

In line 14 strike out "to provide" and insert "providing"; and insert a comma after "for".

In line 15 insert a comma after "to".

In lines 16 and 17 change word "division" to "sub-division".

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Fess submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 93 — Mr. Earnhart, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

Strike out all after the dash in the title and insert: "Double liability of bank stockholders and inspection of private banks."

In line 4 before "Dues" insert "Sec. 3."

In line 10 strike out the comma after "value."

In line 11 strike out the comma and insert a period.

Strike out all of lines 12 to 18 inclusive and insert without paragraph: "No corporation not organized under the laws of this state, or of the United States, or person, partnership or association shall use the word "bank" or "banker" as a designation or name under which business may be conducted in this state unless such corporation, person, partnership or association shall first submit to inspection, examination and regulation as is now or may hereafter be provided by the laws of this state."

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Fess submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 7 — Mr. Nye, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In title change "3" to "III." Capitalize "s" in "Section".

In title strike out all after dash and insert: "Limiting power of general assembly."

Strike out lines 5 and 6.

In line 7 change "Section" to "Sec."

In line 8 change "said" to "the".

In line 9 change "said" to "such".

In line 9 insert a comma after "called".

In line 10 change first said" to "such".

In line 10 change second "said" to "the".

In lines 11 and 12 change "G" and "A" to lower case "g" and "a".

In line 12 change "G" to lower case "g".

The report was agreed to.

The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. Fess submitted the following report:

The standing committee on Arrangement and Phraseology, to which was referred Proposal No. 91 — Mr. Kilpatrick, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In title insert "V" in first blank and "I" in second blank.

In title strike out "Relative to equal suffrage" and insert "Woman's suffrage."

Strike out line 10 and insert subhead: "ARTICLE V."

In line 11 insert before "Every" "Sec. 1."

Strike out lines 4 to 9 inclusive.

Strike out lines 16 to 29 inclusive.

In line 13 strike out the first word "or" and insert a comma.

The report was agreed to. The proposal was ordered to be engrossed and placed at the foot of the calendar of today for third reading.

Mr. DOTY: It hardly seems proper to waste three-quarters of an hour. There are at least four proposals on the calendar that will excite no discussion. I would suggest that we take up those four.

The first one is Proposal No. 5, and I move that that have its third reading now.

The motion was carried.

Proposal No. 5—Mr. Cunningham, was read the third time.

Mr. TAGGART: I offer an amendment.

The amendment was read as follows:

Amend Proposal No. 5 as follows: By adding

SCHEDULE NO. 2.

Resolved further, That in the event Proposal No. 91—Mr. Kilpatrick, passed by the Convention, be adopted by the electors of this state and become a part of the constitution, then the foregoing proposal, if adopted, shall be of no effect.

Mr. TAGGART: Just a word of explanation: Proposal No. 91 by Mr. Kilpatrick, which is a woman's suffrage proposal, strikes out "white male" and thus permits women to vote. In case that proposal should fail, Mr. Cunningham's proposal, if it receives a majority of votes, would be part of the constitution, but in the event that Proposal No. 91 receives a majority, then there is no necessity for this Proposal No. 5. The committee on Schedule unanimously recommends this schedule.

The amendment was agreed to.

Mr. KRAMER: In line 7 it reads "who shall have been residents of this state for one year next preceding the election and of the county, township, or ward". What I was thinking about was, does the law provide that a man must live in a ward so long?

Woman's Suffrage—Eligibility of Women for Appointment to Certain Offices.

Mr. DOTY: That is in the constitution now; that exact wording.

Mr. KNIGHT: The only change is by striking out the word "white".

Mr. KRAMER: Have we any law requiring a man to reside in a ward?

Mr. DOTY: Yes; twenty days in a ward and thirty days in a county.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 97, nays none, as follows:

Those who voted in the affirmative are:

- | | | |
|------------------|--------------------|------------------|
| Anderson, | Harris, Ashtabula, | Partington, |
| Antrim, | Harris, Hamilton, | Peck, |
| Baum, | Harter, Huron, | Peters, |
| Beatty, Morrow, | Harter, Stark, | Pierce, |
| Beatty, Wood, | Henderson, | Price, |
| Beyer, | Hoffman, | Read, |
| Bowdle, | Holtz, | Redington, |
| Brattain, | Hursh, | Riley, |
| Brown, Highland, | Johnson, Madison, | Rockel, |
| Campbell, | Johnson, Williams, | Roehm, |
| Collett, | Jones, | Rorick, |
| Colton, | Kehoe, | Shaffer, |
| Cordes, | Keller, | Smith, Geauga, |
| Crites, | Kerr, | Smith, Hamilton, |
| Crosser, | Kilpatrick, | Solether, |
| Cunningham, | King, | Stalter, |
| Davio, | Knight, | Stamm, |
| Doty, | Kramer, | Stevens, |
| Dunlap, | Kunkel, | Stewart, |
| Dunn, | Lambert, | Stilwell, |
| Dwyer, | Lampson, | Stokes, |
| Elson, | Leete, | Taggart, |
| Evans, | Longstreth, | Tannehill, |
| Farnsworth, | Ludey, | Tetlow, |
| Farrell, | Malin, | Thomas, |
| Fess, | Marshall, | Ulmer, |
| FitzSimons, | Matthews, | Walker, |
| Fluke, | Mauck, | Watson, |
| Fox, | McClelland, | Weybrecht, |
| Hahn, | Miller, Ottawa, | Winn, |
| Halenkamp, | Moore, | Wise, |
| Halfhill, | Nye, | Mr. President. |
| Harbarger, | | |

So the proposal passed as follows:

Proposal No. 5—Mr. Cunningham, to amend article V, section 1, of the constitution.—Omitting word "white."

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 male 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 resides, such time as may be provided by law, shall have the qualifications of an elector and be entitled to vote at all elections.

SCHEDULE NO. 2.

Resolved further, That in the event Proposal No. 91—Mr. Kilpatrick, passed by the Convention, be adopted by the electors of this state and become a part of the constitution, then the foregoing proposal, if adopted, shall be of no effect.

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

Mr. DOTY: The next proposal is an amendment to article XV, offered by Mr. Miller, of Crawford.

Proposal No. 163—Mr. Miller, of Crawford, was read the third time.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 100, nays none, as follows:

Those who voted in the affirmative are:

- | | | |
|------------------|--------------------|------------------|
| Antrim, | Harris, Ashtabula, | Partington, |
| Beatty, Morrow, | Harris, Hamilton, | Peck, |
| Beatty, Wood, | Harter, Huron, | Peters, |
| Beyer, | Harter, Stark, | Pierce, |
| Bowdle, | Hoffman, | Price, |
| Brattain, | Holtz, | Read, |
| Brown, Highland, | Hursh, | Redington, |
| Campbell, | Johnson, Madison, | Riley, |
| Cassidy, | Johnson, Williams, | Rockel, |
| Codv, | Jones, | Roehm, |
| Collett, | Kehoe, | Rorick, |
| Colton, | Keller, | Shaffer, |
| Cordes, | Kerr, | Smith, Geauga, |
| Crites, | Kilpatrick, | Smith, Hamilton, |
| Crosser, | King, | Solether, |
| Cunningham, | Knight, | Stalter, |
| Davio, | Kramer, | Stamm, |
| Donahey, | Kunkel, | Stevens, |
| Doty, | Lambert, | Stewart, |
| Dunlap, | Lampson, | Stilwell, |
| Dunn, | Leete, | Stokes, |
| Dwyer, | Longstreth, | Taggart, |
| Elson, | Ludey, | Tallman, |
| Evans, | Malin, | Tannehill, |
| Farnsworth, | Marriott, | Tetlow, |
| Farrell, | Marshall, | Thomas, |
| Fess, | Matthews, | Ulmer, |
| FitzSimons, | Mauck, | Walker, |
| Fluke, | McClelland, | Watson, |
| Fox, | Miller, Crawford, | Weybrecht, |
| Hahn, | Miller, Ottawa, | Winn, |
| Halenkamp, | Moore, | Wise, |
| Halfhill, | Nye, | Mr. President. |
| Harbarger, | | |

So the proposal passed as follows:

Proposal No. 163—Mr. Miller, of Crawford, to submit an amendment to article XV, section 4, of the constitution.—Eligibility of women for appointment to certain offices.

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 XV.

SEC. 4. No person shall be elected or appointed to any office in this state unless possessed of the qualifications of an elector: provided that women who are citizens may be appointed, as notaries public, or as members of boards, or to positions in those departments and institutions established by the state or any political sub-division thereof involving the interests or care of women or children or both.

Proposal No. 169—Mr. Worthington, was read the third time.

The question being "Shall the proposal pass?"

Civil Service—Limiting Power of General Assembly in Extra Sessions.

The yeas and nays were taken, and resulted—yeas 84, nays 16, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Hamilton,	Nye,
Antrim,	Harter, Huron,	Peck,
Beatty, Morrow,	Harter, Stark,	Peters,
Beatty, Wood,	Hoffman,	Pierce,
Beyer,	Holtz,	Read,
Bowdle,	Hursh,	Redington,
Campbell,	Johnson, Madison,	Riley,
Cassidy,	Johnson, Williams,	Rockel,
Colton,	Jones,	Roehm,
Cordes,	Kehoe,	Rorick,
Crites,	Kerr,	Shaffer,
Crosser,	Kilpatrick,	Smith, Geauga,
Cunningham,	King,	Smith, Hamilton,
Doty,	Knight,	Solether,
Dunn,	Kramer,	Stamm,
Dwyer,	Kunkel,	Stevens,
Elson,	Lambert,	Stewart,
Evans,	Lampson,	Stilwell,
Farnsworth,	Leete,	Stokes,
Farrell,	Leslie,	Taggart,
Fess,	Longstreth,	Tallman,
FitzSimons,	Marriott,	Tannehill,
Fox,	Marshall,	Tetlow,
Hahn,	Mauck,	Thomas,
Halenkamp,	McClelland,	Ulmer,
Halfhill,	Miller, Crawford,	Walker,
Harbarger,	Miller, Ottawa,	Winn,
Harris, Ashtabula,	Moore,	Mr. President.

Those who voted in the negative are:

Brattain,	Keller,	Price,
Cody,	Ludey,	Stalter,
Collett,	Malin,	Watson,
Davio,	Okey,	Weybrecht,
Donahey,	Partington,	Wise.
Dunlap,		

So the proposal passed as follows:

Proposal No. 169—Mr. Worthington, to submit an amendment by adding section 10 to article XV, of the constitution.—Civil service.

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 XV.

SEC. 10. Appointments and promotions in the civil service of the state, the several counties, and cities, shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Laws shall be passed providing for the enforcement of this provision.

Proposal No. 7—Mr. Nye, was read the third time. The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 83, nays 17, as follows:

Those who voted in the affirmative are:

Anderson,	Cody,	Dwyer,
Antrim,	Collett,	Elson,
Beatty, Morrow,	Colton,	Farnsworth,
Beatty, Wood,	Cordes,	Fess,
Beyer,	Crites,	Fluke,
Brattain,	Cunningham,	Fox,
Brown, Highland,	Donahey,	Hahn,
Campbell,	Dunlap,	Halenkamp,
Cassidy,	Dunn,	Halfhill,

Harbarger,	Lampson,	Solether,
Harris, Ashtabula,	Leete,	Stalter,
Harris, Hamilton,	Longstreth,	Stamm,
Harter, Huron,	Ludey,	Stevens,
Harter, Stark,	Marriott,	Stewart,
Henderson,	Matthews,	Stilwell,
Hoffman,	McClelland,	Stokes,
Holtz,	Miller, Crawford,	Taggart,
Hursh,	Nye,	Tallman,
Johnson, Madison,	Okey,	Tannehill,
Johnson, Williams,	Partington,	Tetlow,
Kehoe,	Peters,	Ulmer,
Keller,	Price,	Walker,
Kerr,	Read,	Watson,
King,	Redington,	Weybrecht,
Knight,	Riley,	Winn,
Kramer,	Rockel,	Wise,
Kunkel,	Rorick,	Mr. President.
Lambert,	Smith, Geauga,	

Those who voted in the negative are:

Crosser,	Kilpatrick,	Pierce,
Davio,	Malin,	Shaffer,
Doty,	Mauck,	Smith, Hamilton,
Evans,	Miller, Ottawa,	Thomas,
Farrell,	Moore,	Wagner.
FitzSimons,	Peck,	

So the proposal passed as follows:

Proposal No. 7—Mr. Nye, to submit an amendment to article III, section 8, of the constitution.—Limiting power of general assembly.

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 III.

SEC. 8. The governor on extraordinary occasions may convene the general assembly by proclamation and shall state in the proclamation the purpose for which such special session is called, and no other business shall be transacted at such special session except that named in the proclamation, or in a subsequent public proclamation or message to the general assembly issued by the governor during said special session, but the general assembly may provide for the expenses of the session and other matters incidental thereto.

Proposal No. 240—Mr. Anderson was read the third time.

The question being "Shall the proposal pass?"

The yeas and nays were taken, and resulted—yeas 70, nays 26, as follows:

Those who voted in the affirmative are:

Anderson,	Elson,	Henderson,
Antrim,	Evans,	Hoffman,
Beatty, Morrow,	Fackler,	Hursh,
Beatty, Wood,	Farnsworth,	Johnson, Williams,
Beyer,	Farrel,	Kehoe,
Cassidy,	Fess,	Keller,
Colton,	FitzSimons,	Kerr,
Cordes,	Fox,	Kilpatrick,
Crosser,	Hahn,	Kunkel,
Davio,	Halenkamp,	Lambert,
Donahey,	Halfhill,	Leete,
Doty,	Harbarger,	Leslie,
Dunn,	Harris, Ashtabula,	Marshall,
Dwyer,	Harris, Hamilton,	McClelland,
Eby,	Harter, Huron,	Miller, Crawford,

Damage for Wrongful Death.

Moore,	Solether,	Ulmer,
Nye,	Stevens,	Walker,
Okey,	Stewart,	Watson,
Peck,	Stilwell,	Weybrecht,
Peters,	Stokes,	Winn,
Pierce,	Tallman,	Wise,
Read,	Tannehill,	Mr. President.
Shaffer,	Tetlow,	
Smith, Geauga,	Thomas,	

Those who voted in the negative are:

Brattain,	Lampson,	Redington,
Brown, Pike,	Longstreth,	Riley,
Campbell,	Ludey,	Rockel,
Collett,	Malin,	Roehm,
Crites,	Marriott,	Rorick,
Cunningham,	Matthews,	Smith, Hamilton,
Dunlap,	Miller, Ottawa,	Stamm,
King,	Partington,	Taggart.
Kramer,	Price,	

So the proposal passed as follows:

Proposal No. 240 — Mr. Anderson: To submit an amendment by adding section 19a to article I, of the constitution. — Damages for wrongful death.

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 I.

Sec. 19a. The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect, or default of another, shall not be limited by law.

Mr. DOTY: There is such an era of good feeling that I am almost tempted to bring up the taxation matter. We have a calendar for tomorrow of twelve proposals and the committee on Arrangement and Phraseology will have the remaining reports ready to make in the morning. All the reports will be on your desks on both sides of the house tomorrow morning.

Mr. HARRIS, of Hamilton: I rise to a question of personal privilege and to make a correction. In order that a mistake of history may not be passed down I call attention to the fact that I hold in my hands this evening's paper, the Columbus Citizen, which contains a united press dispatch from London, England, stating that a strike of one hundred thousand, is threatened in England.

Mr. DOTY: I move that we indorse the strike. But before that is put I move that we adjourn until tomorrow morning at 9 o'clock.

The motion to adjourn was carried.