

EIGHTY-FIRST DAY

AFTERNOON SESSION.

THURSDAY, June 6, 1912.

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

Mr. PECK: I am informed that the committee on Submission and Address is not quite ready to report and that they ask an extra half hour. I move that the Convention recess for one-half hour.

The motion was carried and the Convention recessed accordingly, resuming its session at the time indicated.

Mr. LAMPSON: I offer a resolution.

The resolution was read as follows:

Resolution No. 155:

Resolved, by the Constitutional Convention of Ohio, That an address to the people be and is hereby authorized to read as follows:

ADDRESS TO THE PEOPLE.

To the people of the state of Ohio:

The Fourth Constitutional Convention, having been authorized to draft a partial or complete revision of the fundamental law of the state, hereby announces the conclusion and result of its labors.

Forty-one amendments to the constitution have been agreed to. These, with an amendment on schedule, will be submitted to popular vote, September 3, 1912.

The form of the ballot will permit a separate vote on each amendment, and a majority of the votes cast upon any amendment will be sufficient for its adoption.

The members of the Convention appreciate profoundly the honor of the service they were called to render, and await, with hope of approval, the verdict of a sovereign people.

A facsimile of the ballot to be used at the special election and the text of each amendment to be submitted, accompanied by explanatory matter authorized by the Convention, are herewith set forth.

Mr. LAMPSON: Now I suggest that the secretary read the article and section simply and then omit the text and read the explanation.

Mr. THOMAS: And I suggest that we approve or disapprove as we go along.

The PRESIDENT: The members will understand that this report gives the text of each amendment in its order and then follows the address.

Mr. LAMPSON: I suggest that if there is no objection at the conclusion of the reading of each statement that it be considered as adopted.

The PRESIDENT: Is there any objection to that?

Mr. HALFHILL: I want to discuss the preliminary portion of that report.

The PRESIDENT: The matter is open for discussion, and the member from Allen is recognized.

Mr. HALFHILL: I have not seen the report and I do not know whether I can repeat it correctly.

Mr. STILWELL: It occurs to me that in the first line of the resolution the word "Fourth" has been left out.

Mr. DOTY: It was left out purposely. This is a Constitutional Convention, not the Fourth Constitutional Convention.

Mr. STILWELL: Why do you refer to it later on?

Mr. DOTY: We ought not.

Mr. STILWELL: There is a mistake in one place or the other then.

Mr. HALFHILL: I move to strike out of the fourth paragraph of the address the following: "With hope of approval,".

There are some parts of our work here which a number of us do not agree to. A majority of the work we hope will meet with approval, but all we have to do is to submit this matter to the people. I do not see any reason why we should put that argument in there, because there are some things that this Convention has done that I will not support, although I will support a majority of the amendments.

Mr. WINN: I hope those words will not be stricken out. It may be true that some of us will not support every change in the constitution or every addition to it, but it required a majority of those who constitute this body to enact any of these proposals, and that majority for that purpose becomes the Convention. We deal in majorities and when a majority of this Convention says it awaits with hope the approval by the people the Convention does it. I ask the yeas and nays on this and if a majority of the members want these words to remain I want them to go on record as saying so.

Mr. PECK: I move the previous question on this matter.

The main question was ordered.

The PRESIDENT: The question is on striking out the words "with hope of approval," and on that the yeas and nays have been demanded.

The yeas and nays were taken, and resulted—yeas 32, nays 65, as follows:

Those who voted in the affirmative are:

Antrim,	Halfhill,	Norris,
Brattain,	Harter, Stark,	Nye,
Brown, Lucas,	Johnson, Williams,	Peters,
Brown, Pike,	Kehoe,	Pierce,
Cody,	Kerr,	Read,
Collett,	King,	Riley,
Colton,	Knight,	Stokes,
Crites,	Kramer,	Taggart,
Cunningham,	Malin,	Tallman,
Dunlap,	Miller, Fairfield,	Walker.
Dunn,	Moore,	

Those who voted in the negative are:

Baum,	Crosser,	Earnhart,
Beatty, Morrow,	Davio,	Eby,
Beyer,	DeFrees,	Elson,
Brown, Highland,	Donahey,	Fackler,
Cassidy,	Doty,	Farrell,
Cordes,	Dwyer,	FitzSimons,

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Fluke,	Kunkel,	Roehm,
Fox,	Lambert,	Shaffer,
Hahn,	Lampson,	Smith, Geauga,
Halenkamp,	Leete,	Smith, Hamilton,
Harbarger,	Leslie,	Solether,
Harris, Ashtabula,	Longstreth,	Stevens,
Harter, Huron,	Ludey,	Stilwell,
Henderson,	Marshall,	Tannehill,
Hoffman,	McClelland,	Tetlow,
Holtz,	Miller, Crawford,	Thomas,
Hoskins,	Miller, Ottawa,	Watson,
Hursh,	Okey,	Weybrecht,
Johnson, Madison,	Partington,	Winn,
Jones,	Peck,	Wise,
Keller,	Pettit,	Mr. President.
Kilpatrick,	Redington,	

So the amendment was lost.

Mr. LAMPSON: I do not know but what the word "Fourth" should come out.

Mr. CASSIDY: I think not. In the address to the people it is proper to let it remain.

Mr. LAMPSON: Then I withdraw the suggestion.

Mr. COLTON: I move that we insert the word "general" before the word "approval" so as to make it read "with hope of general approval."

The amendment was not agreed to.

Mr. STOKES: It seems to me that we should add at the end of the words "Constitutional Convention" the words "of 1912" and then eliminate the "Fourth". I move that as an amendment.

The PRESIDENT: The resolution has that date.

Mr. STOKES: Then I withdraw the motion.

The following part of the address was then read.

ARTICLE I.

SEC. 5. The right of trial by jury shall be inviolate, 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.

Under this amendment no change is made in the right or method of trial by jury in criminal cases, but if the law-making body so desires, provision may be made that in civil cases a verdict may be rendered in the event that not less than nine of the jurymen agree thereon.

Mr. DWYER: Should not that word "thereon" be "thereof?"

Mr. PECK: No; the word "thereon" is the best word.

Mr. DWYER: I am willing to let it go as it is then.

The PRESIDENT: The member doesn't insist on the change.

Mr. PIERCE: Take that article I, where it says "except that." Why would it not be well to just simply use the word "but" and strike out the words "except that"?

Mr. LAMPSON: A proposal cannot be amended. It is only the address that we are considering.

The PRESIDENT: That will be the ruling of the chair.

Mr. JONES: It occurs to me that the first word in this explanation is not a very appropriate one. The word is "Under". I think "By" would be better and I move that the change be made.

The motion was carried and the word "By" substituted for the word "Under".

Mr. HARBARGER: I call attention to the phrase "lawmaking body." Does that interfere with the initiative and referendum?

Mr. CASSIDY: No, sir. It could not. It covers both the legislature and the initiative and referendum.

The PRESIDENT: If there is no further objection the secretary will read the next portion of the report.

ARTICLE I.

SEC. 9. All persons shall be bailable by sufficient sureties, except those charged with murder in the first degree, where proof is evident or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted; nor shall life be taken as a punishment for crime. Until otherwise provided by law, persons convicted of crimes heretofore punishable by death shall be punished by imprisonment in the penitentiary during life.

The foregoing amendment, if adopted by the electorate of the state, will substitute life imprisonment for the death penalty. There will be no more legal executions in the state for crime of any kind.

The PRESIDENT: If there is no objection that will be considered as adopted.

The next portion of the resolution was read as follows:

ARTICLE I.

SEC. 10. Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or otherwise infamous, crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; but provision may be made by law for the taking of the deposition by the accused or by the state, to be used for or against the accused, of any witness whose attendance can not be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be made the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense.

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This amendment proposes:

First. That the number of persons to constitute a grand jury and the number necessary to concur in finding an indictment shall be determined by law. At present a grand jury is composed of fifteen persons, at least twelve of whom are necessary to concur in finding an indictment.

Second. Provision may be made by law for the taking by the accused and also by the state of the deposition of any witness whose attendance cannot be had at the trial. It is also provided in the amendment that if such depositions are taken, the means and the opportunity must always be secured to the accused to be present in person and with counsel at such taking and to examine the witness, whose deposition is so being taken, in the same manner as if present in court.

Third. This amendment further provides that if the accused fails to testify such failure may be considered by the court and jury and may be made the subject of comment by counsel, none of which may be done at present.

The PRESIDENT: If there is no objection that portion will be considered as adopted.

The next portion of the resolution was read as follows:

ARTICLE I.

SEC. 16. All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. Suits may be brought against the state, in such courts and in such manner, as may be provided by law.

Under our present system of procedure persons having debatable claims against the state must either have them allowed by the general assembly or must secure permission by special law to bring suit against the state. To simplify this and to prevent unnecessary legislation this amendment is proposed. If adopted, it will authorize individuals to bring suit, under general laws, against the state the same as against private persons.

Mr. PECK: I don't like that word "debatable", I think that ought to be "disputed."

The amendment was put in writing and read as follows:

Strike out the word "debatable" and insert in lieu thereof "disputed."

The amendment was agreed to.

Mr. HOSKINS: Does this convey the idea that legislation is necessary to confer that right, or is the right given by this article itself? I don't think the latter part is clear. The amendment says that the legislature shall provide the method of bringing suit. Will the amendment itself confer the right to bring the suit?

Mr. PECK: The amendment does confer that right.

Mr. STOKES: I offer the following amendment.

The amendment was read as follows:

Article I, section 16, strike out "under general laws," change period to comma at end of proposal and insert: "in such courts and in such manner as may be provided by law."

Mr. PECK: Those words "under general laws" should come out.

Mr. STOKES: Strike out the words "general laws" and leave it as it is then.

The SECRETARY [reading]: If adopted, it will authorize individuals to bring suit against the state the same as against private persons in such courts and in such manner as may be provided by law.

The amendment was agreed to.

The PRESIDENT: If there is no further objection the foregoing portion of the resolution will be adopted.

The next portion of the resolution was 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.

This amendment forbids the placing of any limit on the amount of damages recoverable for death by wrongful act or neglect of another. This same provision appears in the constitution of a number of states, and it has been the constitutional law of New York and Pennsylvania for years.

Mr. ROEHM: I had understood there was to be no argument made. I had prepared a very fine argument for Proposal No. 242, but I bowed to the will of the committee.

Mr. HOSKINS: I desire to have time to write out an amendment to strike out that sentence.

Mr. PECK: Notwithstanding that it is argumentative, I think that it is proper to go in there.

Mr. LAMPSON: It is not necessarily an argument either way. It is simply information.

Mr. PECK: And very proper information.

Mr. KING: Then you should put in the states in which there is a limitation.

The amendment of Mr. Hoskins was read as follows:

Strike out the last sentence beginning with the word "This".

Mr. HOSKINS: The sentence is clearly argumentative, and if we start in on that proposition we shall have no end to it. If we are going to give the states in which there is no limitation then we should give the states in which there is a limitation.

Mr. PECK: I do not think that follows:

The amendment was agreed to.

Mr. FACKLER: I offer an amendment.

The amendment was read as follows:

Article I, section 19a, after the word "recoverable" insert "in the courts,".

Mr. WINN: What words are left out by that Hoskins amendment?

The PRESIDENT: It leaves out the whole of the last sentence.

Mr. WINN: In the proposal the word "default" is used. It should be repeated in the explanation.

The amendment offered by Mr. Fackler was agreed to.

Mr. JONES: It occurs to me that the purpose of this proposed amendment should be stated in the explanation. The average voter will not know whether there is a limitation at present or not. It should be stated that this amendment is to remove the present limitation upon the right to recover.

Mr. PECK: I am quite of the opinion that this article explains itself as well as could be.

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Mr. WINN: I agree with the gentleman from Fayette, that that explanation should be rewritten. I move that the explanation to this portion be referred to a select committee of three to be appointed by the president to report as soon as possible.

Mr. CASSIDY: What has been read from the desk has been written by the author of the proposal, Mr. Anderson.

Mr. WINN: But all of the words have been taken out of it.

Mr. CASSIDY: It was his pet proposal and the committee didn't want to change any part of it.

The motion to appoint the committee was carried and the president appointed Mr. Winn, Mr. Hoskins and Mr. King on said committee.

The PRESIDENT: If there is no further objection the matter will be passed informally until the committee is ready to report and the secretary will read the next section.

The next section was read as follows:

ARTICLE II.

SEC. I. The legislative power of the state shall be vested in a general assembly consisting of a senate and house of representatives but the people reserve to themselves the power to propose to the general assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law, section of any law or any item in any law appropriating money passed by the general assembly, except as hereinafter provided; and independent of the general assembly to propose amendments to the constitution and to adopt or reject the same at the polls. The limitations expressed in the constitution, on the power of the general assembly to enact laws, shall be deemed limitations on the power of the people to enact laws.

SEC. 1a. The first aforesaid power reserved by the people is designated the initiative, and the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ninety days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the constitution proposed by initiative petition to be submitted directly to the electors."

SEC. 1b. When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been

filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. If said proposed law shall be passed by the general assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the general assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection at the next regular or general election, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the proposed law shall have been rejected by the general assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the general assembly shall have been filed by the governor in the office of the secretary of state. The proposed law shall be submitted in the form demanded by such supplementary petition, which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches, of the general assembly. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the general assembly, and such amended law passed by the general assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law proposed by initiative petition first to be submitted to the general assembly". Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors as provided in section 1a and section 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state. If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved

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by the electors shall be subject to the veto of the governor.

SEC. 1c. The second aforesaid power reserved by the people is designated the referendum, and the signatures of six per centum of the electors shall be required upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item in any law appropriating money passed by the general assembly. No law passed by the general assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state, except as herein provided. When a petition, signed by six per centum of the electors of the state and verified as herein provided, shall have been filed with the secretary of state within ninety days after any law shall have been filed by the governor in the office of the secretary of state, ordering that such law, section of such law or any item in such law appropriating money be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their approval or rejection such law, section or item, in the manner herein provided, at the next succeeding regular or general election in any year occurring subsequent to sixty days after the filing of such petition, and no such law, section or item shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against any such section or item, the remainder of the law shall not thereby be prevented or delayed from going into effect.

SEC. 1d. Laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect. Such emergency laws upon a ye and nay vote must receive the vote of two-thirds of all the members elected to each branch of the general assembly, and the reasons for such necessity shall be set forth in one section of the law, which section shall be passed only upon a ye and nay vote, upon a separate roll call thereon. The laws mentioned in this section shall not be subject to the referendum.

SEC. 1e. The powers defined herein as the "initiative" and "referendum" shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property.

SEC. 1f. The initiative and referendum powers are hereby reserved to the people of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action; such powers shall be exercised in the manner now or hereafter provided by law.

SEC. 1g. Any initiative, supplementary or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality shall state the township and county in which he resides. A resident of a municipality shall state in addition to the name of such municipality, 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, each signer for himself. To each part of such petition shall be attached 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 such 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 on such part is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed it to be electors, that they so 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 thereon shall be required. The petition and 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 proved and in such event ten additional days shall be allowed for the filing of additional signatures to such petition. No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both,

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for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the general assembly, if in session, and if not in session then by the governor. The secretary of state shall cause to be printed the law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of three hundred words for each, and also the arguments and explanations, not exceeding a total of three hundred words against each, and shall mail, or otherwise distribute, a copy of such law, or proposed law, or proposed amendment to the constitution, together with such arguments and explanations for and against the same to each of the electors of the state, as far as may be reasonably possible. Unless otherwise provided by law, the secretary of state shall cause to be placed upon the ballots, the title of any such law, or proposed law, or proposed amendment to the constitution, to be submitted. He shall also cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law, or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it enacted by the people of the state of Ohio," and of all constitutional amendments: "Be it resolved by the people of the state of Ohio." 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. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

SCHEDULE.

The foregoing amendment, if adopted by the electors, shall take effect October 1, 1912.

The purpose of this amendment is to enable the people to propose amendments to the constitution, to propose laws to the general assembly for enactment and also to enable the electors to require any law passed by the general assembly to be submitted to a popular vote.

The amendment provides:

1. That if ten per centum of the electors sign a petition to be filed with the secretary of state proposing an amendment to the constitution, such proposed amendment shall be submitted to the electors at the next election held subsequent to ninety days after the filing of such petition. If the majority of those voting upon the proposed amendment vote in the affirmative, the amendment becomes a part of the constitution.

2. That if at any time not less than ten days prior to the commencement of any session of the general assembly three per centum of the electors shall sign

a petition proposing a bill and shall file the same with the secretary of state, it shall be transmitted by him to the general assembly. If the general assembly passes the bill as petitioned for, it shall become a law, subject always to the referendum as hereinafter defined. If the general assembly fails to pass the law petitioned for, or passes it in an amended form, a petition containing the signatures of three per centum of the electors in addition to the original three per centum may require the submission to the voters for approval or rejection of the law originally petitioned for, or as modified by any of the amendments proposed by the general assembly. If a majority of those voting on the proposed measure vote in favor of it then it shall become a law and the law passed by the legislature, if any, pursuant to the petition presented to the general assembly shall become void.

3. That at any time within ninety days after a law passed by the general assembly has been filed with the secretary of state, six per centum of the electors may sign and file with the secretary of state a petition demanding the submission of such law to the people at their next election for their approval or rejection. If a majority of those voting upon the measure vote against the same, it shall be void.

4. That laws providing for tax levies, appropriations for the current expenses of the state government and institutions and emergency laws necessary for the immediate preservation of the public peace, health or safety shall go into effect immediately if they receive a two-thirds vote of all the members elected to the general assembly.

5. That the initiative and referendum shall not be used to pass laws authorizing the classification of property for taxation or for the levy of any single tax on land or land values. It provides that the initiative and referendum powers are reserved to the people of each municipality to be exercised in the manner now or hereafter provided by law.

6. That each of one-half of the counties of the state must furnish the signatures of not less than one-half of the designated percentage of the electors of such county.

7. That a true copy of all laws or proposed laws or proposed amendments to the constitution and an argument for or against the same shall be prepared and mailed as far as possible to all of the electors of the state.

8. That if this amendment is approved by the people it becomes effective as an amendment to the constitution on October 1, 1912.

Mr. HALFHILL: I move that the statement be added that the proposal does not prohibit an initiative petition being filed for an amendment to the constitution so as to establish the single tax.

Mr. DOTY: I make the point of order that the amendment is not in writing.

The PRESIDENT PRO TEM [Mr. KILPATRICK]: Put the amendment in writing.

Mr. HALFHILL: I will write it out.

Mr. SMITH, of Hamilton: I move that the amendment be laid on the table.

Mr. DOTY: That motion is out of order because the gentleman is just reducing that amendment to writing and it is not an amendment until so written.

Mr. SMITH, of Hamilton: I insist that my motion shall prevail. I want to renew it after the amendment is written out.

Mr. DOTY: I make the point of order that the member has not the floor to make the motion. The gentleman from Allen has the floor.

The PRESIDENT PRO TEM: I thought we were going forward until he reduced it to writing, but if you

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so desire we can wait. The chair will rule, however, that we will wait until the gentleman from Allen has reduced his amendment to writing.

Mr. STOKES: I wish to offer an amendment in line four of section I, which says "the next election." I want to add "regular or general election."

The PRESIDENT PRO TEM: You are out of order at this time.

Mr. CASSIDY: The committee had that matter up and decided to leave the words as they are.

The amendment by Mr. Halfhill was reduced to writing by this time and was read as follows:

Article II, section I.

Add to the explanation: "The proposal does not inhibit the use of the initiative petition for the purpose of amending the constitution to permit the classification of property for taxation purposes or to establish the single tax or exclusive land tax."

Mr. PECK: I hope that amendment won't prevail. Why don't you say that this hasn't got the ten commandments in it?

Mr. HALFHILL: Parliamentary rules do not permit me to unceremoniously express myself on that.

Now, gentlemen, you ought at least be fair to yourselves, as well as to the electors of the state of Ohio. We introduced an amendment to the proposal whereby we attempted to prevent the use of the initiative petition for the purpose of amending the constitution so that you could either classify property or establish the single or exclusive land tax. Now, in the compromise the gentlemen on the other side of it had all the best of the arrangement. They have the proposal before you in form so it is an absolute failure to do what we attempted to do. It is so much of a failure that if time permitted I would like to read you what the single tax journals say about what we have done here. They make fun of it. They show that we have directed our attention to the single tax or exclusive land tax, that we have laid down in the face of the singletaxers and that we have done nothing except to inhibit the passing of a statute. Were I in favor of the uniform rule of taxation on property the way you gentlemen have voted here, I would be ashamed to go out to the people of Ohio with this sort of a milk-and-water proposition. Strike it out altogether, as the good brother from Summit [Mr. READ] proposes, or do something else. Don't be made the laughingstock of the singletaxers in this Convention and in the country at large. I tried to have the proposal amended. I failed in that, but at least let the people of Ohio know that you have submitted here that which provides only against the passing of statutory classification or statutory single tax. You ought to have put a constitutional inhibition in the proposal itself if you intended to do anything worth while, but inasmuch as you have not put it in there at least make a reasonable explanation of it. That is the situation. I maintain that on a question like taxation the sovereign power of the state ought to be exercised through the legislature, and I think that any constitutional amendment ought to be submitted through the legislature and not by initiative petition. That is where all the trouble has come from in Oregon, and while a good many of us may not realize

the distinction, yet it is very apparent that when you submit three or four constitutional amendments relating to taxation and submit them by initiative petition it is very easy to confuse the electors. Therefore, I think we ought to have put in this proposal the prohibition that no amendment to the constitution can be submitted except through the legislature, when such amendment relates to the great power of taxation. But we did not do that. Now at least be consistent enough to take both sides of the question. If you are going to refer to it at all state the whole situation.

Mr. STILWELL: What trouble do you refer to in Oregon?

Mr. HALFHILL: I refer to the forty-odd constitutional amendments to be submitted.

Mr. STILWELL: Do you object to the people doing that out there?

Mr. HALFHILL: Yes, I do, because I think these amendments should be submitted by the legislature and not by initiative petition.

Mr. CASSIDY: A point of order. What has all this to do with amending this report?

The PRESIDENT PRO TEM: The point is well taken and the gentleman will confine himself to the matter before the Convention.

Mr. DOTY: I rise to a point of order. The gentleman's time is up.

Mr. PECK: Is the time of the gentleman up?

The PRESIDENT PRO TEM: Yes; and I recognize the gentleman from Cincinnati [Mr. SMITH].

Mr. SMITH, of Hamilton: I move that the amendment be laid on the table.

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

The yeas and nays were taken, and resulted—yeas 67, nays 28, as follows:

Those who voted in the affirmative are:

Beatty, Wood,	Harter, Huron,	Partington,
Beyer,	Henderson,	Peck,
Cassidy,	Hoffman,	Peters,
Cody,	Hursh,	Pettit,
Crites,	Johnson, Madison,	Pierce,
Crosser,	Johnson, Williams,	Read,
Davio,	Kehoe,	Roehm,
DeFrees,	Keller,	Shaffer,
Donahey,	Kerr,	Smith, Geauga,
Doty,	Kilpatrick,	Smith, Hamilton,
Dunn,	Knight,	Solether,
Dwyer,	Kramer,	Stilwell,
Earnhart,	Kunkel,	Stokes,
Elson,	Lambert,	Tallman,
Fackler,	Leete,	Tannehill,
Farrell,	Leslie,	Tetlow,
FitzSimons,	Ludey,	Thomas,
Fluke,	Malin,	Wagner,
Fox,	McClelland,	Weybrecht,
Hahn,	Miller, Crawford,	Winn,
Halenkamp,	Miller, aFirfield,	Wise,
Harbarger,	Moore,	Mr. President.
Harris, Ashtabula,		

Those who voted in the negative are:

Antrim,	Cunningham,	Lampson,
Baum,	Dunlap,	Longstreth,
Beatty, Morrow,	Eby,	Marriott,
Brattain,	Evans,	Marshall,
Brown, Pike,	Halfhill,	Miller, Ottawa,
Collett,	Jones,	Norris,
Colton,	King,	Nye,

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Okey,
Riley,
Stalter,

Stevens,
Taggart,

Walker,
Watson.

So the motion to table was carried.

Mr. STOKES: I offer an amendment.

The amendment was read as follows.

After the word "next" in line 4 add "regular or general".

Mr. STOKES: These amendments can only be submitted at a regular or general election under the proposal.

The statement says that they can be submitted at the next election, which may be a special election, and that would be misleading. I put in the words "regular or general" to make the statement comply with the proposal.

Mr. CROSSER: When I drew this statement I had the words suggested by the gentleman from Montgomery, but upon further reflection the committee thought it was unnecessary to use the words "regular or general," because the people generally understand that the next election means the next general or regular election which shall follow, and this is in the proposal itself. Your position would be entirely well taken if it were not for that. I was thoroughly satisfied with the language as it is in this proposal and I do not think it is necessary to encumber the explanation with these words.

Mr. CASSIDY: And if they should go in there they would have to go in every place where the word "election" is used.

Mr. CROSSER: I move to lay this amendment on the table.

The motion was carried.

Mr. HURSH: I think it should be "each branch of the general assembly".

Mr. DOTY: No, sir; the general assembly is made up of two branches and we mean both branches.

The report of the committee was agreed to.

The PRESIDENT: We will take up No. 5, article I, section 19a, on which a committee was to make a report.

Mr. Hoskins submitted the following report:

The special committee reports the following amendment to the explanation to art. I, section 19a:

Strike out the explanation and insert the following:

Under the present constitution in a civil action for death caused by the wrongful act, neglect or default of another, the legislature may limit the amount of the recovery and has exercised that right. If this amendment is adopted, the law-making power can place no limit on the amount of recovery in such cases.

The report of the committee was agreed to and that portion of the resolution was agreed to as amended.

The next part of the resolution was 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.

This amendment confers on each branch of the general assembly a power, not possessed by either under the present constitution, of securing information along all lines of proposed legislative action. In particular it grants authority to investigate alleged misconduct on the part of its members through the compulsory attendance of witnesses and the production of books and papers, or other evidence bearing on the case.

The foregoing portion of the resolution was adopted. The next part of the resolution was read as follows:

ARTICLE II.

SEC. 16. Every bill shall be fully and distinctly read on three different days, unless in case of urgency three-fourths of the house in which it shall be pending, shall dispense with the rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived, or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed. Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor for his approval. If he approves, he shall sign it and thereupon it shall become a law and be filed with the secretary of state. If he does not approve it, he shall return it with his objections in writing, to the house in which it originated, which shall enter the objections at large upon its journal, and may then reconsider the vote on its passage. If three-fifths of the members elected to that house vote to re-pass the bill, it shall be sent, with the objections of the governor, to the other house, which may also reconsider the vote on its passage. If three-fifths of the members elected to that house vote to re-pass it, it shall become a law notwithstanding the objections of the governor, except that in no case shall a bill be re-passed by a smaller vote than is required by the constitution on its original passage. In all such cases the vote of each house shall be determined by the yeas and nays and the names of the members voting for and against the bill shall be entered upon the journal. If a bill shall not be returned by the governor within ten days, Sundays excepted, after being presented to him, it shall become a law in like manner as if he had signed it, unless the general assembly by adjournment prevents its return; in which case, it shall become a law unless, within ten days after such adjournment, it shall be filed by him, with his objections in writing, in the office of the secretary of state. The governor may disapprove

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any item or items in any bill making an appropriation of money and the item or items, so disapproved, shall be void, unless repassed in the manner herein prescribed for the repassage of a bill.

The amendment provides that a bill may be passed over the governor's veto by a three-fifths vote of all the members elected to each house instead of two-thirds as required at present, except always in the case of measures which by the constitution require a two-thirds vote on their original passage. The provision of the present constitution that a bill vetoed by the governor shall have as many votes in each house as it had on its first passage in order to be passed over the veto and become a law, is entirely omitted in the new amendment. Any item or items appropriating money may be vetoed and the remainder of the bill approved, as at present. Under the proposed amendment, when a bill is vetoed after adjournment of the general assembly it cannot be carried over to the next session as is now done.

The foregoing portion of the resolution was adopted. The next part of the resolution was 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.

This amendment is necessary to permit laws to be passed securing to laborers, mechanics and sub-contractors their wages for work done and to materialmen the amount justly due them for material furnished. It is the prevailing opinion that under decisions of the supreme court of this state the general assembly has not the power at present to pass a mechanics' lien law which will furnish adequate protection for the persons named above.

The foregoing portion of the resolution was adopted. The next part of the resolution was read as follows:

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.

This amendment will permit the passage of humane laws in conformity with modern industrial development to improve the conditions of employment of men, women and children. In the absence of such a provision in our state constitution a number of such laws have heretofore been held void.

The foregoing portion of the resolution was adopted. The next part of the resolution was read as follows:

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, determin-

ing 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 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.

This amendment provides that workmen who have been injured or have contracted a disease in the course of their employment, and the dependents of workmen who have been killed in such employment shall be cared for out of a fund maintained by the industries existing in the state and under state control and supervision.

Mr. WINN: I believe that is altogether misleading. Mr. LAMPSON: I suggest that this be informally passed while the gentleman is examining it.

This was agreed to.

The PRESIDENT PRO TEM: If there is no objection this will be passed and we will take up article II, section 36.

The next part of the resolution was read as follows:

ARTICLE II.

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 streams, lakes, submerged and swamp lands and the development and regulation of water power and the formation of drainage and conservation districts; and to provide for the regulation of methods of mining, weighing, measuring and marketing coal, oil, gas and all other minerals.

This amendment confers on the law-making power of the state authority to encourage and promote forestry, to protect streams and lakes and to regulate the use of water power. Provision may also be made by law for the drainage of submerged and swamp lands and the regulation of the methods of mining, weighing and marketing all minerals.

Mr. HOSKINS: There is one important feature of the proposal that is not touched on in the explanation, and that is that lands devoted exclusively to forestry may be exempt from taxation. I feel that a full explanation of that proposed amendment ought to include in it that lands devoted exclusively to forestry purposes may be exempted from taxation because I think that is a very important feature of it. I favor it, but I concede that it might become a serious abuse, and the people ought to be informed about it.

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The PRESIDENT PRO TEM: Have you an amendment prepared to that effect.

Mr. HOSKINS: I have not, but I will prepare one.

The PRESIDENT PRO TEM: We will wait until you prepare it.

Mr. FITZSIMONS: Why not pass to the next?

The PRESIDENT PRO TEM: The secretary informs me that they cannot keep proper track of things unless they come consecutively.

Mr. HOSKINS: I have the amendment prepared now.

The amendment was read as follows:

Add to the end of the explanation the following:

"If this amendment is approved laws may be passed exempting from taxation in whole or in part lands devoted exclusively to forestry."

Mr. CASSIDY: We have been trying to get this down to the fewest possible words to save expense. That can be reduced considerably.

Mr. PECK: Oh, let it go.

Mr. TETLOW: The adoption of this amendment simply means we are reiterating the provisions that we are submitting to the voters. My idea of the proposition was that we were going to make these explanations of the proposal itself in a few brief words, and that under this explanation and to that end these explanations were drafted, and I am opposed to restating the proposal itself in the explanation. It seems to me that it is foolish to do so. Therefore, I move that the amendment be laid on the table.

Mr. HOSKINS: That is hardly fair. I would like to say a word. I voted for this proposal, but I do think this explanation should embrace the salient points of the proposal, and it does not do that now. I do not think it is fair to the people of the state not to have the explanation at least state substantially what is in the proposal.

Mr. LEETE: While the facts are that under this proposal certain lands can be exempted from taxation, yet to put that in a fair square way before the people, so that they can fully understand the provisions of it, would take a long explanation. Therefore I feel that it should be left out and for that reason I now move to lay the amendment upon the table.

Mr. HOSKINS: On that I demand the yeas and nays—no, I will take a division.

The amendment was laid on the table.

The next part of the resolution was read as follows:

ARTICLE II.

SEC. 37. Except in cases of extraordinary emergency, 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 sub-division thereof, whether done by contract, or otherwise.

This amendment is made necessary by a decision of the supreme court of Ohio declaring unconstitutional the eight-hour law for public work which was passed by the general assembly in 1904.

The foregoing portion of the resolution was adopted. The next part of the proposal was 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.

This amendment makes mandatory the passage of laws, for the removal from office, upon complaint and hearing, of all public officers for any misconduct in office involving moral turpitude or for other cause prescribed by law. It is in addition to impeachment. The foregoing part of the resolution was adopted. The next part of the resolution was read as follows:

ARTICLE II.

SEC. 39. Laws may be passed for the regulation of the use of expert witnesses and expert testimony in criminal trials and proceedings.

This amendment will allow the general assembly at any time to enact laws giving to the courts power to name the experts in a criminal case, and to regulate the introduction of expert testimony in criminal cases.

Mr. HOSKINS: I move to strike out the entire explanation because it is simply a reiteration of the language of the proposal. If you want to follow the rule it should be stricken out. The amendment itself is fully as explanatory as the explanation.

Mr. CASSIDY: Some words should be put in there. It is not well to slight an amendment because you are against it.

Mr. JONES: I think the explanation is entirely proper. To the person reading the proposal the first inquiry suggested is, Cannot the legislature regulate expert witnesses now? Every lawyer will say it can, within certain limits. The object of this proposal was to enable the court to select the person who should act as an expert witness. It is contended and believed by many lawyers in Ohio that that cannot now be done, and the purpose of this was to provide for the legislature, if it desires, to have the court appoint or select the expert witnesses, or make a provision to that effect. It would be a great mistake to strike this explanation out, because the average person would not get any idea at all what the purpose of the amendment is.

Mr. HOSKINS: My reason for moving to strike the explanation out was not any objection to the explanation, but was based entirely upon the action of the Convention a moment ago in eliminating from the explanation of a proposal the most important thing in it. Just as some member said, when the voter goes to the polls he is going to look at your explanation more thoroughly than at the proposal itself. I believe that is true, and if you are going to rely upon that, and if you are going to ask the people of the state of Ohio to vote in ignorance upon the most important proposition, all right. All I want to know is the rule. In four words you can put down all that is necessary to put down on this proposal.

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"This amendment is self-explanatory." Then the person will go back and look at the proposal itself. If you are going to rely upon this explanation, then you are asking the people to vote to exempt forest lands from taxation without telling them that you are doing it. That is unfair. If you are trying to explain put in an explanation that does explain.

Mr. STALTER: It appears to me that the explanation is as broad as the proposal itself, because the proposal says the legislature may pass laws and it appears from the explanation that the people could do it by petition. I think the proposal is better than the explanation.

The motion to strike out the explanation was lost.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

The next part of the resolution was read as follows:

ARTICLE II.

SEC. 40. Laws may be passed providing for a system of registering, transferring, insuring and guaranteeing land titles by the state or by the counties thereof, and for settling and determining adverse or other claims to and interests in, lands the titles to which are so registered, insured or guaranteed, and for the creation and collection of guaranty funds by fees to be assessed against lands, the titles to which are registered; and judicial powers with right of appeal may by law be conferred upon county recorders or other officers in matters arising under the operation of such system.

The purpose of this amendment is to remove the constitutional objections found by the supreme court to exist against the adoption in Ohio of what is known as the "Torrens Land Title System" which has been in use in many jurisdictions for from fifteen to fifty years. Its principal features are:

1. Registering of the title in the name of the owner, upon his application and the decree of a court, and issuing to him a certificate of title good as against all the world.
2. The creation of a guarantee fund by fees to be paid by the applicants to register, out of which fund are made good the losses, if any, of persons who may be wrongfully cut out of interests in the registered land.
3. The registering in the registrar's office of all things which affect the title as they occur from time to time after registration, and the noting of these, upon request, on the duplicate certificate held by the owner.
4. The issuing of new certificates of title by the registrar upon each sale and transfer of land.
5. Registration is voluntary upon the part of owners of land. When a title is once registered no further abstracts or examinations of the title are necessary.

Mr. WATSON: I offer an amendment.

The amendment was read as follows:

Strike out the first paragraph of the explanation the following: "which has been in use in many jurisdictions for the past fifteen to fifty years."

Mr. WATSON: That is in line with what we have been striking out, anything argumentative. I think this should be stricken out.

Mr. JONES: I do not think it is in any way argumentative. It is merely a statement of fact, in reference to the system. When this reaches the eye of the average voter he will not understand what the Torrens system is. He will not understand whether it is entirely new or whether it has been tried in other places, and it is fair to the voter to let him know that it has been tried in other places for fifteen to fifty years. I therefore move to lay the amendment on the table.

The motion was lost.

Mr. DOTY: I apprehend that this is what is going to happen on this particular question: To any of you who may find it necessary or proper to address public meetings on the work of this Convention, when you come to this proposal, the very question will be asked you, "Has the Torrens system or this system been used anywhere else?" Why is it improper for the Convention to answer that question and proper for a member to answer the very natural question that will arise in the minds of the voter? I cannot see why we cannot state what is the fact, if it is a fact, and I understand it is.

Mr. HARRIS, of Ashtabula: I want to develop some information on this matter. This so-called Torrens land system was enacted into law by the legislature and held to be unconstitutional. In its history it is supposed to have originated in Australia where the Australian ballot came from. It was introduced in this country by way of the British Possessions of the Northwest. I cannot say anything about its introduction into the United States, but as long as we are in the line of informing members who are to speak in furtherance of the matter, I think we ought to get all the information that we can.

Mr. PECK: What is before the Convention?

The PRESIDENT PRO TEM: The amendment offered by the gentleman from Guernsey.

Mr. PECK: I thought we had voted on that.

The PRESIDENT PRO TEM: No; a motion to table it was voted on and the motion was lost. The gentleman from Cuyahoga [Mr. Doty] has one minute more time.

Mr. WATSON: I don't like that word "jurisdiction"; is that a proper word?

Mr. DOTY: "Jurisdiction" is a blanket word. It means the state or county or municipality or most anything. It is any part of the government that does something. I have no objection to changing it if you can suggest a better word.

Mr. CASSIDY: Just a word or two with regard to this explanation. I do not know of any proposal outside of the municipal home rule, or perhaps the liquor proposal, that gave the committee more trouble and more anxiety than the explanation of this particular proposal. Mr. Jones, the author of the proposal, furnished a very clear historical account of the former law, its being held unconstitutional, the volume and page, and some other data. We were afraid that under the terms of the resolution we could not incorporate all that Mr. Jones furnished us in his explanation so we reduced it as much as we could. We did endeavor to make such an explanation as would enable the average voter to understand something about what the Torrens land system means or what it would mean if adopted in Ohio. We did not strike out that part—"from fifteen to fifty years"—because we knew the question would immediately occur to any voter voting on the amendment, "Has this thing ever been tried?"

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and we allowed that to go in to make an answer to that very obvious question.

Mr. NORRIS: Does the fact that it was used in Australia explain the nature of it?

Mr. CASSIDY: We don't know where it was used. We say it has been used.

Mr. NORRIS: Does the fact that it has been used explain the proposal?

Mr. CASSIDY: No, sir.

Mr. NORRIS: Then is it not argumentative to say it has been used some place else for from fifteen to fifty years and therefore it is a good thing to use here because it has been used some place else?

Mr. CASSIDY: Not necessarily.

Mr. NORRIS: Is not that an argument? That is not an explanation of the proposal, and what else can it be but an argument?

Mr. CASSIDY: It was just a bald statement of fact, that it has been tried.

Mr. PETTIT: I demand the previous question.

The main question was ordered.

The PRESIDENT: The question is on the amendment of the member from Guernsey.

The amendment was agreed to.

Mr. KNIGHT: It seems to me that the explanation should contain a statement, in view of what is already there, that the adoption of the amendment does not require the abolition of the present system of recording land titles. I therefore offer an amendment.

The amendment was read as follows:

At the end of the explanation add: "The adoption of this amendment will not abolish nor require the abolition of the present system of recording land titles and transfers."

Mr. NYE: It seems to me that explanation expresses a good deal of opinion. It is my understanding that we could just give a short statement of facts. It seems to me that if that explanation goes in there should be a statement that to register titles there will have to be a proceeding in court to quiet the title and a decree quieting the title.

Mr. JONES: Did you observe that the very thing you mention is incorporated in the first paragraph of the statement, "registering of the title in the name of the owner upon his application and the decree of a court?"

Mr. NYE: It seems to me it is indistinct and imperfect and very misleading to the public. It ought to be amended to show that every party who is entitled to register his land has to have a proceeding in court and a trial in court for the purpose of getting his title registered.

Mr. KRAMER: And would it not be altogether fair to put in that statement that it would cost every owner probably from \$25 to \$150 to get it registered?

Mr. NYE: That is true, but whether it can go in I do not undertake to say. It ought to show that everybody who gets his title registered must go into court and have a proceeding in court.

Mr. HOSKINS: I call attention to section 40 of article II and the explanation. The explanation goes on to say that it is to be the Torrens land system and that it is not mandatory but voluntary, and a lot of other arguments for the proposition, whereas the proposal itself

does not contain anything of the sort and there might be forty other systems devised by the legislature.

Mr. DWYER: I want to ask the gentleman from Fayette one question: In the transfer of real estate under your system does the certificate show the consideration—the purchase price?

Mr. JONES: It may or may not.

Mr. DWYER: The taxing officer should know that.

Mr. JONES: That is a matter of detail that the legislature will provide for.

The foregoing portion of the resolution as amended was adopted.

The next portion of the resolution was read as follows:

ARTICLE II.

SEC. 41. Laws shall be passed providing for the occupation and employment of prisoners sentenced to the several penal institutions and reformatories in the state; and no person in any such penal institution or reformatory while under sentence thereto, shall be required or allowed to work at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be sold, farmed out, contracted or given away; and goods made by persons under sentence to any penal institution or reformatory without the state of Ohio, and such goods made within the state of Ohio, excepting those disposed of to the state or any political sub-division thereof or to any public institution owned, managed or controlled by the state or any political subdivision thereof, shall not be sold within this state unless the same are conspicuously marked "prison made". Nothing herein contained shall be construed to prevent the passage of laws providing that convicts may work for, and that the products of their labor may be disposed of to, the state or any political sub-division thereof, or for or to any public institution owned or managed and controlled by the state or any political sub-division thereof.

This amendment will eliminate the element of private profit from the labor of inmates of the prisons and reformatories of Ohio. It will permit the employment of prisoners, in the production of things needed by any state, county or municipal institution. It will also compel the conspicuous marking as "Prison Made", of all goods offered for sale in this state which have been made in prisons outside of Ohio.

The PRESIDENT PRO TEM: Without objection the foregoing portion of the resolution will be adopted.

The next part of the resolution was 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.

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The object of this amendment is to restrict the general assembly in special session to the consideration of such business only as may be stated in the proclamation under which it was convened, or as may be submitted to it by any further proclamation which the governor may issue during such session.

The PRESIDENT PRO TEM: Without objection the foregoing portion of the resolution will be adopted. The next part of the resolution was read as follows:

ARTICLE IV.

SEC. 1. The judicial power of the state is vested in a supreme court, courts of appeals, courts of common pleas, courts of probate, and such other courts inferior to the courts of appeals as may from time to time be established by law.

SEC. 2. The supreme court shall, until otherwise provided by law, consist of a chief justice and six judges, and the judges now in office in that court shall continue therein until the end of the terms for which they were respectively elected, unless they are removed, die or resign. A majority of the supreme court shall be necessary to constitute a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and procedendo, and appellate jurisdiction in all cases involving questions arising under the constitution of the United States or of this state, in cases of felony on leave first obtained, and in cases which originated in the courts of appeals, and such revisory jurisdiction of the proceedings of administrative officers as may be conferred by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large for such term, not less than six years, as may be prescribed by law, and they shall be elected, and their official term shall begin, at such time as may now or hereafter be fixed by law. Whenever the judges of the supreme court shall be equally divided in opinion as to the merits of any case before them and are unable for that reason to agree upon a judgment, that fact shall be entered upon the record and such entry shall be held to constitute an affirmance of the judgment of the court below. No law shall be held unconstitutional and void by the supreme court without the concurrence of at least all but one of the judges, except in the affirmance of a judgment of the court of appeals declaring a law unconstitutional and void. In cases of public or great general interest the supreme court may, within such limitation of time as may be prescribed by law, direct any court of appeals to certify its record to the supreme court, and may review, and affirm, modify or reverse the judgment of the court of appeals. All cases pending in the supreme court at the time of the adoption of this amendment by the people, shall proceed to judgment in the manner provided by existing law. No law shall be passed or rule made whereby any person shall be

prevented from invoking the original jurisdiction of the supreme court.

SEC. 6. The state shall be divided into appellate districts of compact territory bounded by county lines, in each of which there shall be a court of appeals consisting of three judges, and until altered by law the circuits in which circuit courts are now held shall constitute the appellate districts aforesaid. The judges of the circuit courts now residing in their respective districts shall be the judges of the respective courts of appeals in such districts and perform the duties thereof until the expiration of their respective terms of office. Vacancies caused by the expiration of the terms of office of the judges of the courts of appeals shall be filled by the electors of the respective appellate districts in which such vacancies shall arise. Until otherwise provided by law the term of office of such judges shall be six years. Laws may be passed to prescribe the time and mode of such election and to alter the number of districts or the boundaries thereof, but no such change shall abridge the term of any judge then in office. The court of appeals shall hold at least one term annually in each county in the district and such other terms at a county seat in the district as the judges may determine upon, and the county commissioners of any county in which the court of appeals shall hold sessions, shall make proper and convenient provisions for the holding of such court by its judges and officers. Each judge shall be competent to exercise judicial powers in any appellate district of the state. The courts of appeals shall continue the work of the respective circuit courts and all pending cases and proceedings in the circuit courts shall proceed to judgment and be determined by the respective courts of appeals, and the supreme court, as now provided by law, and cases brought into said courts of appeals after the taking effect hereof shall be subject to the provisions hereof, and the circuit court shall be merged into, and their work continued by, the courts of appeals. The courts of appeals shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and procedendo, and appellate jurisdiction in the trial of chancery cases, and, to review, affirm, modify, or reverse the judgments of the courts of common pleas, superior courts and other courts of record within the district as may be provided by law, and judgments of the courts of appeals shall be final in all cases, except cases involving questions arising under the constitution of the United States or of this state, cases of felony, cases of which it has original jurisdiction, and cases of public or great general interest in which the supreme court may direct any court of appeals to certify its records to that court. No judgment of a court of common pleas, a superior court or other court of record shall be reversed except by the concurrence of all the judges of the court of appeals on the weight of the evidence, and by a majority of such court of appeals upon other questions; and whenever the judges of a court of appeals find that a judge

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ment upon which they have agreed is in conflict with a judgment pronounced upon the same question by any other court of appeals of the state, the judges shall certify the record of the case to the supreme court for review and final determination. The decisions in all cases in the supreme court shall be reported, together with the reasons therefor, and laws may be passed providing for the reporting of cases in the courts of appeals. The chief justice of the supreme court of the state shall determine the disability or disqualification of any judge of the courts of appeals and he may assign any judge of the courts of appeals to any county to hold court.

Under the existing judicial system which this amendment proposes to change, an action first tried in the court of common pleas, is carried thence to the circuit court for review, and thence to the supreme court for the same purpose, and either of the two courts may reverse the judgment and send it all back to the beginning in the court of common pleas. The proposal is to shorten that process by converting the circuit court into a court of appeals of three judges, and providing that its judgment in ordinary cases shall be final. This reduces proceedings to "one trial and one review," and eliminates the expensive proceeding in the supreme court with its long delay due to the overcrowded condition of the docket of that court, and will leave that high tribunal with work enough to occupy its time fairly, and permit it to dispose of its cases with greater promptness. A chief justice is added to the supreme court with power to direct the movements of the judges of the inferior courts so as to place them where they are most needed. No other new judge of any sort is created by this amendment and no one is legislated out of office. Cases involving constitutional questions may be carried directly from the court of appeals to the supreme court, but the latter can not reverse the former and hold a statute unconstitutional if more than one of its judges object, but a judgment of the court below holding a statute unconstitutional, may be affirmed by a majority of the supreme court. The latter may also cause any case of public or great general interest to be certified up to it from the court of appeals, for final decision. This is a practice akin to that which prevails in the supreme court of the United States and in fact the system proposed is modeled upon the federal system which has been operating with much success for the past twenty years.

The foregoing portion of the resolution was adopted.

The next part of the resolution was read as follows:

ARTICLE IV.

SEC. 3. One resident judge of the court of common pleas, and such additional resident judge or judges as may be provided by law, shall be elected in each county of the state by the electors of such county; and as many courts or sessions of the court of common pleas as are necessary, may be held at the same time in any county. Any judge of the court of common pleas may temporarily preside and hold court in any county; and until the general assembly shall make adequate provision therefor, the chief justice of the supreme court of the state shall pass upon the disqualification or disability of any judge of the court of common pleas, and he may assign any judge to any county to hold court therein.

SEC. 7. There shall be established in each county, a probate court, which shall be a court

of record, open at all times, and holden by one judge, elected by the electors of the county, who shall hold his office for the term of four years, and shall receive such compensation, payable out of the county treasury, as shall be provided by law. Whenever ten per centum of the number of the electors voting for governor at the next preceding election in any county having less than sixty thousand population as determined by the next preceding federal census, shall petition the judge of the court of common pleas of any such county not less than ninety days before any general election for county officers, the judge of the court of common pleas shall submit to the electors of such county the question of combining the probate court with the court of common pleas, and such courts shall be combined and shall be known as the court of common pleas in case a majority of the electors voting upon such question vote in favor of such combination. Notice of such election shall be given in the same manner as for the election of county officers. Elections may be had in the same manner for the separation of such courts, when once combined.

SEC. 12. The judges of the courts of common pleas shall, while in office, reside in the county for which they are elected; and their term of office shall be for six years.

SEC. 15. Laws may be passed to increase or diminish the number of judges of the supreme court, to increase beyond one or diminish to one the number of judges of the court of common pleas in any county, and to establish other courts, whenever two-thirds of the members elected to each house shall concur therein; but no such change, addition or diminution shall vacate the office of any judge; and any existing court heretofore created by law shall continue in existence until otherwise provided.

SCHEDULE.

If the foregoing amendment shall be adopted by the electors, the judges of the courts of common pleas in office, or elected thereto prior to January first, 1913, shall hold their offices for the term for which they were elected and the additional judges provided for herein, shall be elected at the general election in the year 1914; each county shall continue as a part of its existing common pleas district and sub-division thereof, until one resident judge of the court of common pleas is elected and qualified therein.

The changes in sections 3, 7, 12 and 15 of article IV, are intended to abolish the nine common pleas districts designated in the constitution and all existing sub-divisions thereof; to make an election district of each county which shall have at least one common pleas judge who shall be elected and reside therein during his term. The common pleas judges are to be state officials and where their services are needed outside of their own county, they may be assigned for duty by the chief justice of the supreme court. If a judge is disabled by illness or disqualified to try a case by reason of interest or prejudice or otherwise, some other judge may be assigned to his place. The proposed change will add only twenty-two common pleas judges to the present number in the state; but

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as counties of less than sixty thousand population are authorized to combine the probate court with the court of common pleas, it is thought the increase will not be quite that many. The constitution forbids the general assembly to subdivide a common pleas judicial district into less than three divisions, and the unequal growth of counties in population and business makes these restrictions work great hindrances and delays in the trial of causes in many counties of the state. Other proposed changes in sections 1, 2 and 6 of article IV, will add materially to the volume of work to be done by the common pleas judges, and there will be greater need than at present for at least one resident judge in each county, and such additional number for the larger counties as may be authorized by the general assembly. No change is made in the probate court except in counties having a population of less than 60,000 in which the voters so desire.

Mr. KING: I move to strike out the word "nine" in the first line. While that is the number of common pleas districts now by the constitution, the constitution has given the legislature the right to provide others, and this provision should be stricken out.

The amendment was agreed to.

Mr. NYE: I think a word should be put in here to show that it is the old constitution and not the one that is being adopted here.

Mr. DOTY: Is not the constitution now the present constitution and is it not going to be enforced all of the time up to six o'clock on election night?

Mr. NYE: I suppose so.

Mr. DOTY: Then is it not the present constitution? The constitution of 1802 was the old constitution.

Mr. NYE: Somebody might be misled by referring to this part of the constitution that we are now adopting.

Mr. DOTY: I don't see how they could.

The PRESIDENT PRO TEM: If there is no other objection the foregoing portion of the resolution will be adopted.

The next part of the resolution was 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 for 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.

SCHEDULE.

If the amendment to article IV, section 1, 2 and 6, 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 amendment, if adopted, shall be of no effect.

This amendment prohibits the election of justices of the peace in municipalities where municipal courts, other than mayor's courts, have been or may be established. It applies only to certain large cities.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

Mr. MOORE: I move a reconsideration of the vote by which the explanation of section 41 of article II was accepted. I would like to have in that explanation that convict labor can be used in the building of public roads. I think that is important and I have an amendment to that effect.

The motion to reconsider was carried.

Mr. MOORE: I now offer an amendment to section 41 of article II.

The amendment was read as follows:

Insert after the word "institution" the words "or in the building of public roads."

Mr. DOTY: I would like to ask a question. I am in favor of the amendment, but do you think this amendment is necessary?

Mr. MOORE: It explains the matter thoroughly and shows that prison labor can be put on the public roads.

Mr. DOTY: Therefore it is a good argument in favor of it?

Mr. MOORE: If you want to take it that way.

Mr. DOTY: I am not trying to criticize the member, but I want to bring out the fact. We voted down a statement of fact on another proposal. I am in favor of this, but it seems that we are reversing ourselves.

Mr. HOSKINS: Is it not a fact that the statement of the member is an argument against the proposition?

Mr. DOTY: It would not be to me.

Mr. HOSKINS: Would it not be to a great many of the people?

Mr. DOTY: I don't know.

Mr. HOSKINS: Is it not a statement of fact that can be used, and will not a lot of people vote against it on that account?

Mr. DOTY: It might be in your county. Are you in favor of the democratic platform adopted yesterday?

Mr. HOSKINS: Yes.

Mr. DOTY: Did you notice it was in favor of the short ballot?

Mr. HOSKINS: Yes, and that short ballot referred to the tail-end of the ballot—not to Cleveland or Cincinnati.

The PRESIDENT PRO TEM: Does the member from Muskingum [Mr. MOORE] yield to this discussion?

Mr. MOORE: Yes.

Mr. HOSKINS: I rise to a question of personal privilege. It was specifically limited to the tail of the ticket and didn't refer to the offices in Cleveland or Cincinnati.

Mr. LAMPSON: May I inquire what all this has to do with the unit rule?

Mr. HOSKINS: Just as much as the fight between Taft and Teddy.

Mr. NORRIS: Might not that platform be construed as wanting to make short work instead of short ballot?

Mr. MOORE: The interest in the country over the employment of prison labor is not so intense as in the city. Country people don't care so much about it and I want to attract their attention to this use of prison labor. I think the putting of this amendment in there will be a good thing.

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The amendment was agreed to and the explanation as amended was adopted.

The PRESIDENT PRO TEM: If there is no further objection the foregoing portion of the resolution will be adopted.

The next part of the report was read as follows:

ARTICLE IV.

SEC. 21. Laws may be passed, prescribing rules and regulations for the conduct of cases and business in the courts of the state, regulating proceedings in contempt, and limiting the power to punish for contempt. No order of injunction shall issue in any controversy involving the employment of labor, except to preserve physical property from injury or destruction; and all persons charged in contempt proceedings with the violation of an injunction issued in such controversies shall, upon demand, be granted a trial by jury as in criminal cases.

This amendment provides that laws may be passed prescribing rules and regulations for the conduct of cases and business of the courts, and further provides that no injunction shall be issued in labor disputes except to protect physical property, and that persons charged with contempt shall be entitled to a trial by jury.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

The next part of the resolution was read as follows:

ARTICLE V.

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

This amendment takes out of article V, section 1, of the present constitution two words, which are, "white male," the purpose being to give the women of the state the right to vote on the same conditions under which the suffrage is exercised by men.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

The next part of the resolution was 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.

If the amendment to article V, section 1, to the constitution—woman suffrage, be adopted by the electors and become a part of the constitution, then the foregoing amendment, if adopted, shall be of no effect.

This amendment takes out of article V, section 1, the one word "white". Its adoption is desirable, in case the woman's suffrage amendment should be defeated, to make the state constitution conform to that of the United States.

The object in adding the schedule is to make the foregoing amendment unnecessary in case the woman's suffrage should be ratified by the electors.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

The next part of the resolution was read as follows:

ARTICLE V.

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

This amendment permits laws to be passed authorizing the use of ballots or voting machines at elections. Under a recent decision of the supreme court of this state voting machines can not be used for the reason that the constitution now requires all elections to be by ballot.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

Mr. COLTON: I move that the vote whereby the explanation of section 1, article V, was adopted be reconsidered.

The motion was carried.

Mr. COLTON: I now move to amend the explanation to the proposal by striking out the word "white". I have no objection to the word, but it is an argument. Strike out the last sentence of the first paragraph.

Mr. DOTY: A good argument.

Mr. PECK: There is another reason for striking out that word. It does not confer any rights on any body.

The amendment was agreed to and the portion of the resolution was again adopted.

The next part of the resolution was read as follows:

ARTICLE V.

SEC. 7. All nominations for elective state, district, county and municipal officers shall be made at direct primary elections or by petition as provided by law, and provision shall be made by law for a preferential vote for United States senator; but direct primaries shall not be held for the nomination of township officers or for the officers or municipalities of less than two thousand population, unless petitioned for by a majority of the electors of such township or municipality. All delegates from this state to the national conventions of political parties shall be chosen by direct vote of the electors. Each candidate for such delegate shall state his first and second choices for the presidency, which preferences shall be printed upon the primary ballot below the name of such candidate, but the name of no candidate for the presidency shall be so used without his written authority.

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Under this amendment all nominations for offices of the state or any subdivision thereof having a population of over two thousand, must be made by primary election. But nominations for offices in districts with a population less than the number named are not so made unless the qualified electors thereof so desire. It is further provided that all delegates to national conventions of the different political parties are to be chosen by primary and provision is made for a preferential vote for United States senator and also to require that candidates for the office of delegate to national conventions shall state their preferences as between different candidates for the presidency.

Mr. TANNEHILL: According to the plan we are pursuing I would like to add as exhibits A and B the records of the two recent state conventions, in one of which they jammed down the obnoxious unit rule and in the other of which they perpetrated highway robbery.

Mr. DOTY: Is there anything in this proposal to show that we are not going to have the unit rule or to jam something else down somebody's throat?

Mr. TANNEHILL: How can you jam anything down anybody's throat in a state convention if there is no state convention?

Mr. KING: I rise to a point of order. The gentlemen are not discussing anything before the Convention.

Mr. STOKES: I offer an amendment.

The amendment was read as follows:

At the end of the first sentence strike out the period, insert a comma and add "or by petition."

The amendment was agreed to and the foregoing portion of the resolution was adopted.

The next part of the resolution was read as follows:

ARTICLE VI.

SEC. 3. Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds: provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts.

This amendment, if adopted, will give the law making body of the state complete control over the organization and administration of the state's public school system, and is designed to make clear that local communities cannot destroy the unity of the state system.

The second part of the amendment applies to city school districts only, and allows the electors of each city district to determine, as shall be provided by law, the size and organization of its board of education. The powers of such city boards of education are not enlarged by this amendment.

The foregoing portion of the resolution was adopted. The next part of the resolution was read as follows:

ARTICLE VI.

SEC. 4. A superintendent of public instruction to replace the state commissioner of common schools, shall be included as one of the officers of the executive department to be appointed by the

governor, for the term of four years, with the powers and duties now exercised by the state commissioner of common schools until otherwise provided by law, and with such other powers as may be provided by law.

SCHEDULE.

If the foregoing amendment be adopted by the electors it shall take effect and become a part of the constitution on the second Monday of July, 1913.

This amendment provides for a more effective supervision of the public school system of the state, by creating the office of superintendent of public instruction as one of the state executive departments. At present there is no provision in the constitution on the subject, the state commissionership of public schools being a statutory office subject to abolition at any time by the general assembly. The new office provided in this amendment will be appointive by the governor and the term will be four years. The amendment, if adopted will take effect July 1st, 1913, at which time the first superintendent of public instruction will take the place of the commissioner of common schools, whose term expires on that date, and the latter office will then cease to exist.

Mr. KNIGHT: I offer an amendment.

The amendment was read as follows:

Strike out "July 1st, 1913." and insert "on the second Monday of July, 1913."

The amendment was agreed to.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

The next part of the resolution was 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 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, re-

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pairing 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.

Section 1, article VIII, of the constitution limits state indebtedness to seven hundred and fifty thousand dollars.

This amendment raises the limit of indebtedness for the specific purpose of constructing, rebuilding, improving and repairing a system of inter-county wagon roads, to fifty million dollars, and, if adopted, will authorize legislation providing for an issue of state bonds, not to exceed, in the aggregate of all issues, fifty million dollars. Not more than ten million dollars in bonds can be issued in any one year. The cost of constructing and maintaining this system of inter-county wagon roads shall be paid by the state and provision shall be made for the redemption of said bonds. The object is to authorize and empower the state to construct and maintain an inter-county system of permanent wagon roads, the cost of which shall be levied upon the entire tax duplicate.

Based upon statistics given by the Ohio tax commission and computing interest and sinking fund charges on fifty million dollars at three and one-half per cent., on thirty-five year bonds, issued in amounts of five million dollars each year, the proportion of the tax, on account of such bonds, borne by the different classes of property within the state will be as follows:

	Duplicate.	Proportion.
		<i>per cent.</i>
Real estate in cities and villages..	\$2,544,547,115	41.0
Farm lands	1,676,590,965	27.1
Public utilities	912,862,833	14.7
Banks	174,693,439	2.8
Personal property	891,437,728	14.4
State tax duplicate.....	\$6,202,132,080	100.0
Average per capita cost per year, 53 cents.		
Average annual tax on each \$1,000:		
For first 10 years, 26½ cents.		
For next 10 years, 43 cents.		
For the last 10 years, 20 cents.		

Mr. DOTY: I move that where it says \$50,000,000 it be printed in great big black type.

Mr. LAMPSON: No objection at all. All I want is for the people to be fully informed.

Mr. DOTY: What is that mass of figures at the end?

Mr. LAMPSON: They are interesting and you can use them on the one side or the other. They are matters about which the voters will ask. They are material whether regarded as an argument or not; they are for or against; they have bearing on the subject. I understand discussion as to that matter is going on over the state now.

Mr. HOSKINS: A few minutes ago the member from Logan [Mr. CASSIDY] said they were trying to save money and he raised an objection to about four words that someone wanted to put in to tell the truth about a proposal so that the people might know the truth. Now we have a whole column of figures that the state is going to have to pay for and it seems to me they ought to be omitted.

Mr. LAMPSON: Doesn't the gentleman think after all that a matter involving \$50,000,000 might well deserve a column of figures?

Mr. HOSKINS: Comparatively speaking this is not as important a matter as exempting a whole lot of property from taxation and not telling the people that you are going to do it.

Mr. LAMPSON: If the gentleman will examine the table he will find that he can use it on one side just as well as on the other.

Mr. DOTY: That may be a good thing and it may be that it ought to stand, but is there any place where we are paying taxes per capita?

Mr. LAMPSON: You can strike that out if you want to.

Mr. PIERCE: I move to strike out all after the first paragraph beginning with the words "Based upon".

Mr. LAMPSON: I don't think that amendment ought to prevail. This gives the voter a lot of information in a compact form upon a proposition involving \$50,000,000.

Mr. PIERCE: Perhaps it does give a great deal of information. I could have given a great deal of information on my proposal too, but I was limited to three hundred words and I was told that there could be no argument for or against.

Mr. LAMPSON: This is limited to three hundred words.

Mr. PIERCE: The gentleman does not confine himself to the rule though. He makes an argument, which he says can be construed for or against. I think this should be stricken out.

Mr. BROWN, of Highland: I hope this amendment will be voted down. These figures are important. This is a popular movement. It is in the interest of all the people and full explanation ought to be given. I don't see why anybody can object to this explanation.

Mr. HARRIS, of Ashtabula: I hope this amendment will not prevail. There is a good deal of force in the suggestion urged that this is something entirely new in the history of Ohio. The very points that are brought out there will be brought out in the discussion of this question in public meetings and the orators will bring them out. Everybody will want this explanation, and if it is not given here it will have to be given by the orators and speakers all over the state.

Mr. DOTY: I think these figures should stay in as a matter of education on taxation. It looks to me as if it were worth while to publish these figures so that the people may know where they are coming out on this thing. For instance, those who own bank stock and personal property ought to know that they are going to be taxed as much as these figures show the proportion to be for the purpose of increasing the property of somebody else, because the full effect of the value of these roads will be reflected not upon personal property, not upon banks or upon public utilities, but entirely upon land values. The owners of the present land values are going to get all the benefit of this \$50,000,000, and therefore the amendment should not prevail, so that we may all know just how much the owners of land values are going to get.

Mr. HALFHILL: Will you yield to a question?

Mr. DOTY: Yes; I won't dodge it as you have been in the habit of doing.

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Mr. HALFHILL: Suppose the merchant and the banker make profits in their business—

Mr. DOTY: All of the profit will go to the land owner.

Mr. HALFHILL: You are a singletaxer?

Mr. DOTY: You bet I am and these figures ought to be published so that there would be more singletaxers, as you will be if you will take three evenings to study the subject.

Mr. BROWN, of Highland: If it costs ten cents to move a ton on good roads and costs on a bad road twenty-five cents to move that ton, who suffers? Does the man who produces or the man who buys pay it?

Mr. DOTY: I don't think anybody suffers so far as that is concerned.

Mr. BROWN, of Highland: But who has to pay it?

Mr. DOTY: Of course, the consumer.

Mr. FACKLER: I rise to a point of order. The discussion is not on the matter that is before us.

Mr. DOTY: I think the gentleman was out of order, but I was not.

Mr. BROWN, of Highland: The gentleman's time is up.

Mr. DOTY: I was calling attention to the fact that this gives us some very good information. As the member from Ashtabula says, it may be used both for and against good roads. I shall use it in favor of good roads, but I want these figures so that I can have them at hand. Then if somebody gets up and tries to put me in a hole by asking me, "Are you in favor of the landowner getting all of the benefit?" I will know what I am doing. These figures don't show exactly, but they show approximately, who is getting the benefit of this. That is not the reason why we should not have good roads—because under fool laws somebody gets the whole benefit—but I do not want somebody to get up and say that the landowner is not getting all of the benefit. He is going to get it and he always does. He has never failed yet, and I am not talking about the farmers being the only landowners. They always bring that up, that the farmer is the landowner. The farmer owns very little land value. He owns mostly labor value.

Mr. WINN: Do you say that if a man does not own any land that he does not receive any benefit from good roads?

Mr. DOTY: I didn't say that. I said the value of that benefit would be reflected back on the land value.

Mr. WINN: You said the landowner would receive all the benefit.

Mr. DOTY: I meant the value. I meant that the usefulness of good roads is reflected back in the value and that value goes into land value.

Mr. LAMPSON: And that may be land value all over the state.

Mr. DOTY: Land value is going to get the value of all of that.

Mr. LAMPSON: It will get on the tax duplicate.

Mr. DOTY: I have my doubts. I hope so, but it will not increase the value of bank stocks or utilities or personal property, and yet they have to pay on the basis of that ownership.

Mr. LAMPSON: Don't you think the value of bank stocks has been going up reasonably well?

Mr. DOTY: Not on account of good roads, but rather on account of some other fool laws that I can name.

Mr. MARRIOTT: I move the previous question.

The main question was ordered.

The PRESIDENT PRO TEM: The question is on the adoption of the amendment offered by the gentleman from Butler.

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

Mr. BROWN, of Highland: I move to lay the amendment on the table.

The PRESIDENT PRO TEM: The previous question has been ordered and the motion is out of order. The secretary will call the roll on the motion to strike out.

The yeas and nays were taken, and resulted—yeas 25, nays 61, as follows:

Those who voted in the affirmative are:

Baum,	Hoffman,	Marshall,
Beatty, Morrow,	Hursh,	Moore,
Brown, Pike,	Johnson, Williams,	Pierce,
Cody,	Jones,	Shaffer,
Earnhart,	Kehoe,	Smith, Hamilton,
Fluke,	Keller,	Stevens,
Halenkamp,	Knight,	Taggart,
Harbarger,	Kunkel,	Watson.
Harter, Huron,		

Those who voted in the negative are:

Antrim,	Harris, Ashtabula,	Okey,
Brown, Highland,	Henderson,	Peck,
Collett,	Holtz,	Pettit,
Colton,	Johnson, Madison,	Read,
Cordes,	Kerr,	Riley,
Crites,	Kilpatrick,	Rorick,
Crosser,	King,	Smith, Geauga,
Davio,	Kramer,	Solether,
Donahey,	Lambert,	Stilwell,
Doty,	Lampson,	Stokes,
Dunlap,	Leete,	Tallman,
Dunn,	Leslie,	Tannehill,
Dwyer,	Ludey,	Tetlow,
Elson,	Malin,	Thomas,
Evans,	Marriott,	Wagner,
Fackler,	McClelland,	Walker,
Farrell,	Miller, Crawford,	Weybrecht,
FitzSimons,	Miller, Fairfield,	Winn,
Fox,	Miller, Ottawa,	Wise,
Hahn,	Nye,	Mr. President.
Halfhill,		

So the amendment was not agreed to.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

The next portion of the resolution was read as follows:

ARTICLE VIII.

SEC. 6. No laws shall be passed authorizing any county, city, town or township, by vote of its citizens, or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or to loan its credit to, or in aid of, any such company, corporation, or association; provided, that nothing in this section shall prevent the insuring of public buildings or property in mutual insurance associations or companies. Laws may be passed provid-

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ing for the regulation of all rates charged or to be charged by any insurance company, corporation or association organized under the laws of this state or doing any insurance business in this state for profit.

This proposed amendment will permit public property to be insured in mutual insurance associations, a right which has been questioned under the present constitution. Mutual insurance will thus be placed on an equality with all other kinds and the state will also be authorized to regulate insurance rates.

Mr. DOTY: I think that says if this is adopted it will place insurance upon an equality. Now that is not true. I think that is too strong an expression to be used.

Mr. KNIGHT: The "same basis" might be better. By unanimous consent this change was agreed to.

Mr. HOSKINS: I want to criticize the member from Cuyahoga. His statement seems to be unfavorable to mutual insurance companies. I think he must be an agent for an old-line fire insurance company.

Mr. DOTY: I would like to correct the member from Auglaize while we are in the correcting business. I would like to read this which is a part of the democratic platform—

Mr. FACKLER: I rise to a point of order. Democratic platforms are out of order here.

Mr. DOTY: If I have the floor I have a right to read anything I want to for the purpose of correction.

Mr. WINN: Mr. Doty has had the floor all day. Will he not kindly let someone else have a chance?

Mr. PECK: What are you trying to correct?

Mr. DOTY: Correct the member from Auglaize, who made a misstatement.

Mr. PECK: Well what difference does it make whether he is correct or not?

Mr. DOTY: This is important. This is a plank of the democratic platform which the gentleman from Auglaize favors.

Mr. PECK: This ribald discussion of the democratic platform is rasping on one of proper sensibilities.

Mr. HOSKINS: If you read part of the platform will you allow me to read it all?

Mr. DOTY: I will allow you to do anything you want when you get the floor. Here is one thing that the democratic platform stands for: "A short ballot in the selection of administrative officers as a means for insuring greater scrutiny in the selection of public officials and for fixing and centralizing responsibility."

I contend that does not agree with the statement that the gentleman made less than an hour ago, and I stand here and correct him.

Mr. DWYER: As equally pertinent I move an amendment to this resolution as follows:

Resolved by the republican party, That we are so badly off that we do not want to make any nominations until after the Chicago convention.

DELEGATES: Agreed.

Mr. MILLER, of Crawford: I object to having these explanations of the political platforms in our proceedings.

Mr. WINN: "This proposed amendment will permit public property to be insured by mutual insurance associations and companies, a right which has been questioned under the present constitution." That is about as false a statement as could be made. This only purports to authorize insurance of public property by mutual insurance associations. Besides, that statement is misleading in other respects: From the reading of it you would think that is the only thing dealt with. It is a reenactment of the present part of the constitution with some additions. It seems to me as though particularly that part is a misstatement which says, "In this respect mutual insurance will thus be placed on the same basis with all other kinds."

Mr. MILLER, of Crawford: That is with reference to insuring public property.

Mr. WINN: It should be so stated.

Mr. MILLER, of Crawford: It is so stated.

Mr. WINN: Then it wasn't read.

Mr. PECK: I move to strike out all of that last sentence.

Mr. WINN: It should also include the word "companies" as well as "associations." It authorizes those having the matter in charge to insure public property in mutual companies or mutual insurance associations both, but it certainly does not put mutual associations on an equality with other companies.

By unanimous consent "and companies" was inserted after "associations."

Mr. WATSON: I move that that be sent to a committee of three to straighten the tangles out.

Mr. CASSIDY: I hope the amendment will not prevail because the last sentence calls attention to the fact that this amendment gives the state authority to regulate insurance rates.

Mr. PECK: Read the whole of it.

Mr. CASSIDY: "Mutual insurance will thus be placed on the same basis—"

Mr. PECK: But the first part is not true, that mutual insurance companies will be thus placed on the same basis as other companies.

Mr. WINN: If you put in "in this respect", it will be all right.

Mr. MILLER, of Crawford: That is entirely satisfactory.

Mr. CASSIDY: We will put in that amendment.

The SECRETARY: If that is agreed to it will read "In this respect mutual insurance will be placed on the same basis with all other kinds and the state will also be authorized to regulate insurance rates."

This was agreed to.

Mr. HOSKINS: The word "associations" will not do. There is a difference between an association and a company. It would be very unfair. I would suggest that it would be a good idea to adopt the suggestion of the member from Guernsey. This matter will attract a great deal of attention and we do not want anything except something that can be thoroughly understood.

Mr. HALFHILL: In the interest of accuracy that last statement ought to be stricken out because the state is now authorized to regulate insurance rates, and always has been authorized, and the statement in that respect is not true. There has never been anything else existing in our memory.

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Mr. BROWN, of Highland: It has been a purely statutory provision and not a constitutional one. If it is a constitutional provision it would be well enough to refer to it.

Mr. HALFHILL: The legislature has always had and exercised that right in the state of Ohio. This is nothing but a duplication.

Mr. SHAFFER: You know that the last part of the proposal adds "laws shall be passed providing for the regulation of all rates."

Mr. HALFHILL: Yes.

Mr. PECK: Your criticism goes to the proposal itself.

Mr. HALFHILL: That is a mere statement of the power which the state of Ohio has always been able to exercise.

The PRESIDENT PRO TEM: The question is on the adoption of this part of the resolution.

The foregoing part of the resolution was adopted.

Mr. DOTY: For the purpose of making the motion to refer Resolution No. 134 to the committee on Employees I move that the further consideration of this resolution be postponed until 5:40.

The motion was carried.

Mr. DOTY: I now move that Resolution No. 134 be taken from the calendar and referred to the committee on Employees.

The motion was carried.

Mr. DOTY: Now I call up Resolution No. 155.

The next part of the resolution was read as follows:

ARTICLE VIII.

SEC. 12. So long as this state shall have public works which require superintendence, a superintendent of public works shall be appointed by the governor for the term of one year, with the powers and duties now exercised by the board of public works until otherwise provided by law, and with such other powers as may be provided by law.

SCHEDULE.

Section 13 of article VIII is hereby repealed.

This amendment abolishes the state board of public works and provides that the powers and duties now exercised by that board, together with such other duties as may be prescribed by law, shall be exercised by a superintendent of public works, to be appointed by the governor for a period of one year.

The foregoing portion of the resolution was agreed to. The next part of the resolution was read as follows:

ARTICLE XII.

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

SEC. 2. Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money, excepting all bonds at present outstanding of the state of Ohio or of any city, village, hamlet, county, or township in this state or which have been issued in behalf of the public schools in Ohio and the means of instruction in connection therewith, which bonds

so at present outstanding shall be exempt from taxation; but burying grounds, public school houses, houses used exclusively for public worship, institutions used exclusively for charitable purposes, public property used exclusively for any public purpose, and personal property, to an amount not exceeding in value five hundred dollars, for each individual, may, by general laws, be exempted from taxation; but, all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law.

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

SEC. 7. Laws may be passed providing for the taxation of the right to receive, or to succeed to, estates, and such taxation may be uniform or it may be so graduated as to tax at a higher rate the right to receive, or to succeed to, estates of larger value than to estates of smaller value. Such tax may also be levied at different rates upon collateral and direct inheritances, and a portion of each estate not exceeding twenty thousand dollars may be exempt from such taxation.

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

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

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

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

Section 1 of this amendment seeks to abolish the poll tax including the tax which one may "work out" on the road and in lieu of which he may pay a sum of money.

Section 2 differs from the corresponding sections of the present constitution in but two particulars. It makes taxable all state, municipal and school bonds hereafter issued, while the present constitution exempts them. It also makes it possible for the general assembly to exempt \$500.00 from the personal property of each individual while the present constitution permits only \$200.00 to be thus exempted.

Both the present constitution and this amendment require that all property shall be taxed by a uniform rule.

The remaining sections of this amendment authorize the general assembly to pass laws levying income and inheritance taxes, graduated or otherwise, on condi-

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tion that at least fifty per centum of the revenue thus obtained shall be returned to the city, village or township from which it came. Excise and franchise taxes and a tax on the gas, oil, coal and other minerals produced in the state are also authorized.

The last section requires any subdivision of the state which issues bonds to make immediate preparation for their payment by levying an annual tax sufficient to pay the interest as it accrues and to provide a sinking, or reserve fund which, at the time when the bonds become due, shall be sufficient to pay them.

The PRESIDENT PRO TEM: If there is no objection the foregoing portion of the resolution will be adopted.

Mr. DOTY: It is apparent that it will be impossible for us to finish in good order by this evening and I therefore move that we adjourn until tomorrow morning at nine o'clock.

Mr. LAMPSON: I think we had better go ahead and finish this work and meet early in the morning so as to get away on the early trains.

Mr. DOTY: Then I move that we recess until 7:30 o'clock p. m.

The motion was carried.

EVENING SESSION.

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

Mr. ROEHM: I would like to ask permission for the Employes committee to be excused to consider the resolution that has been referred to it. I do not know how long it will take.

The PRESIDENT: If there is no objection permission will be granted. The members of the Employes committee will retire. The secretary will read the next statement.

Mr. JONES: I was wondering if this Convention after its action on several of these other proposals, to wit, the prison contract proposal, the educational proposal and the good roads proposal, in which statements of fact which might be used as argument one way or the other were incorporated, thus abandoning the rule we had originally started out with against any argument, would be in a position to entertain a motion to reconsider the vote by which they struck out certain language in the statement as to the proposal relating to the registration of land titles. That is a very material matter, and as has been said here, one upon which every voter will want information from some source. I therefore move to reconsider the vote by which that amendment was carried.

Mr. PETTIT: I do not know why my friend Jones is so persistent about this pet measure of his. We might just as well go on and say how many states have the initiative and referendum and in how many of them it is operating successfully. There was no such proposition with reference to that, and I do not know why the gentleman from Fayette is so persistent in wanting the statement that the Torrens system has been used fifty years somewhere else, and I insist that the motion for reconsideration be voted down. The people can read the proposal and the instructions given and form their own

opinion without wanting any argument such as the gentleman from Fayette wants to insert.

Mr. LEETE: If we are to reconsider this, I want to serve notice that I want to call attention to the reconsideration of another one of these proposals, and that I have a substitute for the one that has already been put in.

Mr. PIERCE: I think we ought to reconsider this matter. Since the gentleman from Ashtabula has got in his stump speech as to his proposal, everybody else should be given the same privilege.

The motion to reconsider was lost.

The next part of the resolution was 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 purpose of this amendment is to authorize the control and regulation by law of the sale of stocks, bonds and securities of corporations.

The amendment further recognizes the right of the law making power to regulate the sale of other forms of personal property.

The foregoing portion of the resolution was adopted. The next part of the resolution was read as follows:

SEC. 3. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her; except that stockholders of corporations authorized to receive money on deposit shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporations, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. 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", "banker" or "banking", or words of similar meaning in any foreign language, as a designation or name under which business may be conducted in this state unless such corporation, person, partnership or association shall submit to inspection, examination and regulation as may hereafter be provided by the laws of this state.

This amendment provides, first, that single liability shall apply to the stocks of all Ohio corporations, except those authorized to receive money on deposit, to which class double liability shall apply; and second, that all private persons or associations using a busi-

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ness name including the word "bank", "banker" or "banking", must submit to inspection, examination and regulation.

The foregoing portion of the resolution was adopted. The next part of the resolution was read as follows:

ARTICLE XV.

SEC. 2. The printing of the laws, journals, bills, legislative documents and papers for each branch of the general assembly, with the printing required for the executive and other departments of state, shall be let, on contract, to the lowest responsible bidder, or done directly by the state in such manner as shall be prescribed by law. All stationery and supplies shall be purchased as may be provided by law.

The constitution at present requires that the printing for the executive and other departments of the state shall be let on contract to the lowest responsible bidder. This power is still retained in the foregoing section, but the state is given the added authority to do its own printing.

The foregoing portion of the resolution was adopted. The next part of the resolution was 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 of, 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.

This amendment will permit the appointment of women as superintendents and members of boards of those institutions of the state, or any of its subdivisions, where the interests and care of women and children are involved. It will also allow the appointment of women as notaries public.

The foregoing portion of the resolution was adopted. The next part of the resolution was read as follows:

ARTICLE XV.

SEC. 9. License to traffic in intoxicating liquors shall be granted in this state, and license laws operative throughout the state shall be passed with such restrictions and regulations as may be provided by law, and municipal corporations shall be authorized by general laws to provide for the limitation of the number of saloons. Laws shall not be passed authorizing more than one saloon in each township or municipality of less than five hundred population, or more than one saloon for each five hundred population in other townships and municipalities. Where the traffic is or may be prohibited under laws applying to counties, municipalities, townships, residence districts, or other districts now prescribed by law, the traffic shall not be licensed in any such local sub-division while any prohibitory law is operative therein, and nothing herein contained shall be so construed as to

repeal, modify or suspend any such prohibitory laws, or any regulatory laws now in force or hereafter enacted, or to prevent the future enactment, modification or repeal of any prohibitory or regulatory laws. License to traffic in intoxicating liquors shall not be granted to any person who at the time of making application therefor is not a citizen of the United States and of good moral character. License shall not be granted to any applicant who is in any way interested in the business conducted at any other place where intoxicating liquors are sold or kept for sale as a beverage nor shall such license be granted unless the applicant or applicants are the only persons in any way pecuniarily interested in the business for which the license is sought and no other person shall be in any way interested therein during the continuance of the license; if such interest of such person shall appear, the license shall be deemed revoked. If any licensee is more than once convicted for a violation of the laws in force to regulate the traffic in intoxicating liquors, his license shall be deemed revoked, and no license shall thereafter be granted to him. License to traffic in intoxicating liquors shall not be granted unless the place of traffic under such license shall be located in the county in which the person or persons reside whose duty it is to grant such license, or in a county adjoining thereto. The word "saloon" as used in this section is defined to be a place where intoxicating liquors are sold, or kept for sale, as a beverage in quantities less than one gallon.

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

INTOXICATING LIQUORS.

	For License to traffic in intoxicating liquors.
	Against License to traffic in intoxicating liquors.

The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words "For License," if he desires to vote in favor of the article above mentioned and opposite the word "Against License," within the blank space if he desires to vote against said article. If a cross-mark is placed opposite both phrases or neither phrase, then the vote upon the subject shall not be counted.

If the votes for license shall exceed the votes against license, then the article above mentioned shall become section 9 of article XV, of the constitution, and the present section 9 of said article, also known as section 18 of the schedule shall be repealed.

LICENSE PROPOSAL 151 AND ITS PROVISIONS.

1. License to traffic in intoxicating liquors shall hereafter be granted and license laws shall be passed operative throughout the state with such restrictions and regulations as may be provided by law.

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2. No alien or person not of good moral character can secure a license.
3. License cannot be granted to any person pecuniarily interested in the liquor business conducted at any other place.
4. Any licensee more than once convicted, shall have his license revoked and not thereafter granted.
5. There shall not be more than one saloon to each 500 population in a municipality or township.
6. A municipality may further decrease the number of saloons in the municipality.
7. The licensing authority shall be located in the county, or in a county adjoining thereto.
8. Where the traffic is prohibited under local option laws, or other districts now prescribed by law, license shall not be granted while the prohibitory law is operative therein.
9. Nothing contained in the proposal repeals, or modifies existing prohibitory or regulatory laws, or [prevents] their future repeal or enactment.
10. There is added to the above provisions, that nothing contained in the proposal prevents—"The future enactment of any prohibitory or regulatory laws."

Mr. ROEHM: I would like to have the secretary read that section 8 again.

The section referred to was read again.

Mr. KING: There is no sense in that, it doesn't mean anything.

Mr. ROEHM: I wish to offer an amendment to that paragraph 8.

The amendment was read as follows:

Strike out paragraph 8, and substitute the following therefor:

"Where the traffic is or may be prohibited under laws applying to counties, municipalities, townships, residence districts or other districts now prescribed by law license shall not be granted therein while such prohibitory law is operative therein."

Mr. ROEHM: That amendment explains itself. It follows to a certain extent the wording of the proposal.

Mr. WINN: Where does that come in the proposal?

Mr. ROEHM: Lines 16, 17 and 18.

Mr. WINN: Does that cover the paragraph at the bottom of 18 and the forepart of 19?

Mr. ROEHM: That is the paragraph.

Mr. WINN: Something has been read out. The explanation which was drafted by Mr. Anderson was not taken, and this one was taken on motion of Mr. Hahn. I have not examined it.

Mr. ROEHM: Just a word of explanation. That merely follows the real reading of the proposal, and is to a certain extent the wording of the proposal.

The amendment offered by Mr. Roehm was agreed to.

Mr. ROEHM: I offer another amendment.

The amendment was read as follows:

Amend the explanation to article XV, section 9, as follows:

In paragraph 10 strike out the quotation marks before the word "The" and after the word "laws" at the end of the explanation and after the word "enactment" insert the words "modification or repeal."

Change the word "The" to "the".

Strike out the dash after the word "prevents".

Mr. ROEHM: I would prefer that to be out entirely, but if it is going to be in the way that clause reads, "The future enactment of any prohibitory or regulatory laws," it seems to me, it would be apparently a pull for the votes of those who are opposed to the liquor traffic entirely. It does not prevent the further enactment of any prohibitory or regulatory laws, and at the same time it would look as though it were intended to arouse the antagonism of the liberal element. Now, as one of the liberals, I want to say I am in favor of the proposal as we passed it, but I want the liberal people to know how it was passed—"The future enactment, modification or repeal". The words "modification or repeal" have been added and the quotation marks stricken out. It follows the proposal, as you see on page 19 of the grand resolution.

Mr. WINN: I do not think there is any objection to that amendment.

The amendment was agreed to.

Mr. ROEHM: Now, I have another small amendment.

The amendment was read as follows:

Amend explanation to article XV, section 9 as follows:

Strike out all after the word "further" in paragraph 6 and substitute the following:
"limit the number of saloons therein."

Mr. WINN: That is all right.

The amendment was agreed to.

Mr. DOTY: There is one word that ought to be changed there, and I offer an amendment. This is a perfectly neutral amendment. It is neither wet nor dry.

The amendment was read as follows:

In the tenth paragraph change the word "proposal" to the word "amendment".

The amendment was agreed to and the foregoing portion of the resolution was adopted.

The next portion of the resolution was 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.

This amendment makes mandatory the passage of laws placing, as far as practicable, all appointive officers in the service of the state and the several counties and cities, under civil service regulation and subject to competitive examination.

The foregoing portion of the resolution was adopted. The next portion of the resolution was read as follows:

ARTICLE XV.

SEC. 11. Laws may be passed regulating and limiting the use of property on or near public ways and grounds for erecting bill-boards thereon and for the public display of posters, pictures and other forms of advertising.

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This amendment authorizes the passage of laws, regulating and limiting the use of property on or near public ways and grounds for display posters and advertising. It enlarges existing power.

Mr. PECK: I move to insert the word "legislative" before the word "power".

The amendment was agreed to.

The next portion of the resolution was read as follows:

ARTICLE XV.

SEC. 1. Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be submitted to the electors, for their approval or rejection, on a separate ballot without party designation of any kind, at either a special or a general election as the general assembly may prescribe. Such proposed amendments shall be published once a week for five consecutive weeks preceding such election, in at least one newspaper in each county of the state, where a newspaper is published. If the majority of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the general assembly, shall think it necessary to call a convention, to revise, amend, or change this constitution, they shall recommend to the electors to vote on a separate ballot without party designation of any kind at the next election for members to the general assembly, for or against a convention; and if a majority of all the electors, voting for and against the calling of a convention, shall have voted for a convention, the general assembly shall, at their next session, provide, by law, for calling the same. Candidates for members of the constitutional convention shall be nominated by nominating petitions only and shall be voted for upon one independent and separate ballot without any emblem or party designation whatever. The convention shall consist of as many members as the house of representatives, who shall be chosen as provided by law, and shall meet within three months after their election, for the purpose, aforesaid.

SEC. 3. At the general election to be held in the year one thousand nine hundred and thirty-two, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter or amend the constitution", shall be submitted to the electors of the state; and in case a majority of the electors, voting for and against the calling of a convention, shall decide in favor of a convention, the general assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution, agreed upon by any

convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

At present when the general assembly submits to the electors for their approval or rejection any proposed amendment to the constitution the same has to be published in newspapers for a period of six months prior to a general election and then becomes a part of the constitution if a majority of the electors voting at such general election vote in favor of the same. Under the above amendment, if it is adopted, the time of publication is reduced from six months to five weeks and in lieu of requiring a majority of all the electors who vote at such general election, any submitted amendment will become a part of the constitution if a majority of the electors voting thereon shall vote in its favor. In addition all proposed amendments must be submitted on a separate ballot without party designation thereon and at either a special or general election.

This amendment also makes mandatory what formerly was optional with the general assembly as to the method of selecting members of future constitutional conventions. It requires that they shall be nominated by petition only and shall be voted for upon one independent and separate ballot without any emblem or party designation whatever.

This amendment further provides, as does the present constitution, for the submission to the people every twenty years of the question as to whether or not a convention shall be held to revise the constitution. Under the existing provision it requires a majority of the electors voting at such election to decide such questions but under this proposed amendment a majority of the electors who vote on this particular issue will be sufficient for such purpose.

Mr. SMITH, of Hamilton: I want to offer an amendment.

The amendment was read as follows:

In the third paragraph, strike out last sentence and add:

"Under the present constitution a majority of the electors voting at the election is required to decide the question but under this proposed amendment only a majority of those voting on the question is required to decide it."

The amendment was agreed to and the explanation as thus amended was adopted.

The next portion of the resolution was read as follows:

ARTICLE XVIII.

Municipal Corporations.

SEC. 1. Municipal corporations are hereby classified into cities and villages. All such corporations having a population of five thousand or over shall be cities; all others shall be villages. The method of transition from one class to the other shall be regulated by law.

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

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

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

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

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

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

SEC. 8. The legislative authority of any city or village may by a two-thirds vote of its members, and upon petition of ten per centum of the electors shall forthwith, provide by ordinance for the submission to the electors, of the question, "Shall a commission be chosen to frame a charter". The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the municipality at large of fifteen electors who shall constitute a commission to frame

a charter; provided that a majority of the electors voting on such question shall have voted in the affirmative. Any charter so framed shall be submitted to the electors of the municipality at an election to be held at a time fixed by the charter commission and within one year from the date of its election, provision for which shall be made by the legislative authority of the municipality in so far as not prescribed by general law. Not less than thirty days prior to such election the clerk of the municipality shall mail a copy of the proposed charter to each elector whose name appears upon the poll or registration books of the last regular or general election held therein. If such proposed charter is approved by a majority of the electors voting thereon it shall become the charter of such municipality at the time fixed therein.

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

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

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

SEC. 12. Any municipality which acquires, constructs or extends any public utility and desires to

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

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

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

SCHEDULE.

If the foregoing amendment to the constitution be adopted by the electors and become a part of the constitution, it shall take effect on November 15th, 1912.

Cities and villages under the proposed amendment are given the right to frame their own charters, own and regulate their own public utilities, and to adopt by ordinances such regulations, not in conflict with general laws, as they may deem necessary. To the general assembly is specifically reserved the authority to limit the power of cities to levy taxes and incur debts for local purposes, to control elections, to examine into the financial condition and transactions of all municipalities, and, by general laws, to make such provisions for education, police and sanitary regulations and other similar matters as may be for the general welfare of the state.

FORM OF GOVERNMENT.

Municipalities may determine their form of government by either of three methods:

a.—They may, upon vote of the people, elect fifteen citizens to frame a charter, which must be submitted to the voters for approval.

b.—They may adopt, by a majority vote, a form of government provided by the general assembly. This may be the commission form of government, the federal plan, the so-called Newport plan, or as many other plans as the general assembly may provide.

c.—They may decide to be governed as at present, by a municipal code, framed and adopted by the general assembly. Such a code automatically takes effect in all municipalities which do not frame their own charters or take the trouble to submit to the people one or the other of the forms provided by the general assembly.

CONTROL OF PUBLIC UTILITIES.

Municipalities are given the power to acquire, construct, own, lease and operate any or all of their public utilities. This authority is subject to the limitations fixed by the general assembly on the power of the city to levy taxes and incur indebtedness. A city may raise money for such purpose by issuing mortgage bonds beyond the limit of bonded indebtedness fixed by law, provided that such mortgage bonds are made a lien only on the property and service of the utility itself.

IMPROVEMENTS AND EXCESS CONDEMNATION.

Cities are given the right to appropriate private property for a public use and at the same time to appropriate an excess over that actually to be occupied by the improvement in order to protect the improvement made. Bonds, however, for such excess must be a lien only on the property acquired for the improvement and the excess.

This will enable a city to take property for a civic center, a park or street opening and a sufficient amount of the adjacent property to protect the improvement. This excess can then be sold under proper restrictions by the city.

Mr. King moved to amend Resolution No. 155 as follows:

After the word "indebtedness" in line four of paragraph immediately following the caption "Control of Public Utilities" insert the following:

'Municipalities may enter into competition without condemning, or they may enter into competition and subsequently acquire by condemnation.'

Mr. KING: The object of this is to give a true statement of exactly what may be done by the municipality under section 4 of this act. It is entirely fair to let the voters know exactly what can be done.

Mr. DOTY: Does your amendment strike out anything in the statement?

Mr. KING: Not a word, it just adds to it.

Mr. DOTY: The first phrase in that amendment is certainly obscure: "Municipalities may enter into competition." Competition with whom? It should be in competition with private corporations operating public utilities, or it does not mean anything.

Mr. SMITH, of Hamilton: I hope the amendment will not prevail. It goes without saying that municipalities may enter into competition in running a public utility. They have that right now. What is the use of serving notice on the public that that is so? There is no need of telling the people something that they already know. All we want to do in this explanation is to make clear what this proposal intends to do, and, as it appears to me, this explanation does excellently well. Why go out of the way and emphasize a fact that they may go into competition with private utilities? We know they are doing that today. What is the use of stating that? That is not a right given by this proposal.

Mr. HOSKINS: In adopting that explanation we ought to bear in mind the fact that we are enlarging the powers of municipalities to acquire public utilities. They can now acquire, if this is adopted, public utilities without obligating themselves beyond a mortgage securing their indebtedness upon the utility acquired. It is true that at present we have a right to acquire public utilities, but that right is now limited in the very nature of affairs by the taxation limit. You have removed the

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taxation limit so far as public utilities are concerned, and there is no limit.

Mr. FACKLER: You say that we could remove the bond limitation so far as acquiring public utilities is concerned altogether?

Mr. HOSKINS: We have removed the limitation so far as acquiring public utilities in this, that you can go on and acquire all of the public utilities you can so far as you can procure them on the utilities alone.

Mr. FACKLER: As long as you can mortgage them for 100 per cent of the cost?

Mr. SMITH, of Hamilton: Did the gentleman hear the explanation read where is specifically mentions that the city may do the very thing he speaks of. That is mentioned in the explanation.

Mr. HOSKINS: There is one part that I want to hear before it is adopted, and that is what was read just prior to the last sentence.

The secretary read as follows:

A city may raise money for such purpose by issuing mortgage bonds beyond the limit of bonded indebtedness fixed by law, provided that such mortgage bonds are made a lien only on the property and service of the utility itself.

Mr. CASSIDY: There were furnished to the committee two explanations of this particular proposed amendment. There was no other explanation or set of explanations on which the committee spent as much time as on this. The proposal is very important and the committee tried to devote as much time as possible to the consideration and explanation of the same. One of these explanations was furnished by Mr. Harris, of the committee, and another by one of the gentlemen from Cleveland. The explanation furnished by Mr. Harris was gone over very carefully, corrected and changed and finally dropped aside. The explanation of the gentleman from Cleveland was gone over carefully and cut in two and half of it preserved. It is a mistake to add on the amendment offered by Judge King. The exact amendment, although in quite different words, was discussed in the committee. The wording of the amendment was offered in the committee was this: "Municipalities may condemn private utilities without first entering into competition, or they may enter into competition and subsequently condemn." The committee decided it was unnecessary to add this explanation as suggested in this amendment.

Mr. BROWN, of Highland: If this is true, why is any statement necessary?

Mr. CASSIDY: The proposal is there and everybody understands it.

Mr. BROWN, of Highland: All of the persons who vote are not lawyers, and it seems to me that all of the explanations should explain, whether they do explain or not.

Mr. SMITH, of Hamilton: I do not think you would want this explanation now when it does not change the proposal.

Mr. BROWN, of Highland: The proposal can be changed.

Mr. THOMAS: I move to lay the amendment on the table.

The motion was carried.

Mr. DOTY: Now, I have heard it stated that the first part of the address to the people does not state the facts, and I would like to have that cleared up before we go any further. I would like to know whether the first paragraph, sentence by sentence, states facts:

Cities and villages under the proposed amendment are given the right to frame their own charters, own and regulate their own public utilities, and to adopt by ordinances such regulations, not in conflict with general laws, as they may deem necessary.

Now, that is all in one sentence.

To the generally assembly is specifically reserved the authority to limit the power of cities to levy taxes and incur debts for local purposes, to control elections, to examine into the financial condition and transactions of all municipalities, and, by general laws, to make such provisions for education, police and sanitary regulations and other similar matters as may be for the general welfare of the state.

Mr. COLTON: I offer an amendment.

The amendment was read as follows:

Amend the first paragraph under the caption "form of government" as follows:

Strike out the words "either of three methods" and insert "any one of three ways."

The amendment was agreed to.

Mr. DOTY: Now, I come back again, and I would like to know from some member of the committee if this states the truth: "Municipalities are given the power to acquire, construct, own, lease and operate any or all of their public utilities." Is that true?

Mr. PECK: It is true indirectly.

Mr. DOTY: Then we give them the power to do it. Now the next sentence is this: "This authority is subject to the limitations fixed by the general assembly on the power of the city to levy taxes and incur indebtedness." Is that true?

Mr. KNIGHT: No more subject to that than any other power. Section 13 of the amendment itself specifically says that laws may be passed to limit the powers of municipalities to levy taxes and incur debts. It limits that as much as any other.

Mr. DOTY: Is that true in connection with what follows: "A city may raise money for such purpose by issuing mortgage bonds beyond the limit of bonded indebtedness fixed by law, provided that such mortgage bonds are made a lien only on the property and service of the utility itself."

Mr. WINN: Is that all in one paragraph?

Mr. DOTY: Yes, sir; three sentences in one paragraph.

Mr. KNIGHT: Provided they remain a lien on such utilities.

Mr. DOTY: "Provided that such mortgage bonds are made a lien only on the property and service of the utility itself."

Mr. THOMAS: Turn to section 12. What does the word "service" mean?

Mr. KNIGHT: That word "service" is self-explanatory.

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Mr. DWYER: Suppose you had this. I do not believe a city should be allowed to do things just as it wishes at any time and on any occasion. I will read this amendment:

Before any municipality shall construct a public utility plant, where there is one operating under a franchise from such municipality, an effort shall be first made by said municipality to acquire said plant by purchase, and on failure shall make an effort to acquire same by arbitration before constructing said competing plant.

Mr. DOTY: But it is too late for that.

Mr. JONES: As you read that, any city might acquire

Mr. DOTY: Municipalities are given the power to acquire, construct, own, lease and operate any or all of their public utilities. That is just what this explanation says of this proposal.

Mr. DWYER: Is that true?

Mr. CASSIDY: Yes.

Mr. JONES: That word "a city" should be changed to "a municipality."

Mr. DOTY: All I wanted was to be sure that what this states is true. By the way, Mr. Jones said the word "city" should be changed to municipality.

Mr. KNIGHT: I have not seen a copy of this statement, but it seems to me as I have read that statement, that it should be secured on the property and service of the utility, is meaningless. What is the lien on the service of the utility? The proposal says "revenues, including franchise."

Mr. DOTY: Is not that the service?

Mr. KNIGHT: I don't know whether it is or not.

Mr. DOTY: That is what it was meant for.

Mr. KNIGHT: I do not think it is very lucid as a statement for the average voter to try to find out what is in the proposal. I think it should be revenues in place of service.

The amendment offered by Mr. Doty was read as follows:

Strike out the word "city" and insert the word "municipality."

The PRESIDENT: If there is no objection, this amendment will be accepted.

Mr. KNIGHT: Where they speak of a mortgage being a lien only upon the property and service of such public utility, I move to amend by striking out the word "service" and inserting in lieu thereof "revenues."

The amendment was agreed to.

Mr. KNIGHT: We would like to ask to see that entire statement.

Mr. CASSIDY: I suggest instead of taking up the Convention's time, that we let Professor Knight take the paper and read it and let the Convention go on with other business.

This was agreed to.

The foregoing portion of the resolution was adopted. The next part of the resolution was read as follows:

SCHEDULE.

The several amendments passed and submitted by this Convention when adopted at the election

shall take effect on the first day of January, 1913, except as otherwise specifically provided by the schedule attached to any of said amendments. All laws then in force, not inconsistent therewith shall continue in force until amended or repealed; provided that all cases pending in the courts on the first day of January, 1913, shall be heard and tried in the same manner and by the same procedure as is now authorized by law. Any provision of the amendments passed and submitted by this Convention and adopted by the electors, inconsistent with, or in conflict with, any provision of the present constitution, shall be held to prevail.

No issue is or can be raised on the adoption of this amendment. Its object is to fix the interval which must elapse between date of submission of these amendments and the time at which, if adopted, they shall go into effect, in order that different departments of the state government may have an opportunity to adjust themselves to any change that may be made. All electors are respectfully requested to vote "Yes" on this particular matter.

The PRESIDENT: If there is no objection to that, that part of the resolution will be agreed to.

Mr. STILWELL: The address upon article II, section 35, at the top of page 8, relative to workmen's compensation was informally passed for the purpose of giving the gentleman from Defiance an opportunity to offer an amendment, and he agrees to one that I now offer. The amendment was read as follows:

Strike out the explanation and insert the following:

This amendment will permit legislation providing that workmen, who have been injured or who have contracted disease in the course of their employment, and the dependents of workmen, who have been killed or who may have died from injuries received or diseases contracted in the course of such employment, shall be compensated out of a fund maintained by the industries in the state, which fund shall be under the control and supervision of the state.

Mr. WINN: That is a little misleading—the way of stating the diseases in order to entitle the workmen to the benefit of the law.

Mr. STILWELL: Diseases contracted during employment?

Mr. WINN; This signifies any disease contracted during employment.

Mr. STILWELL: That is not the intention of the amendment.

Mr. WINN: It has reference to occupational diseases, and it is not plain here. It might mean if a workman while working had contracted any disease.

Mr. STILWELL: The insertion of the word "occupational" will correct the error complained of.

The PRESIDENT: The insertion of the words "an occupational" before the word "disease" will put the matter in proper form. The secretary will write that change in.

Mr. DOTY: Before we go further, I have an amendment to the whole resolution.

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The PRESIDENT: Let the secretary read the clause as now amended.

The SECRETARY [reading]: "This amendment will permit legislation providing that workmen, who have been injured, or who have contracted an occupational disease in the course of their employment," etc.

Mr. JONES: I think that explanation omits the most material thing in this proposed amendment. The main thing to be accomplished by it is to clear the way for the enactment of laws providing for compulsory compensation, compulsory contribution by employers to a fund for compensation to injured employes. Now this explanation does not convey to the voter any such idea at all, but that is the foundation of the proposal. It ought to be so stated that under our present constitution compulsory compensation cannot be provided for and this is simply to enable the legislature to compel contributions to a fund for the compensation of injured persons. It should be remedied by the insertion of the word "compulsory."

Mr. STILWELL: I do not think the point raised by the member from Fayette is pertinent to the question.

The PRESIDENT: The statement will be informally passed to give the member from Fayette an opportunity to put his amendment in writing.

Mr. DOTY: Here is another perfectly innocent amendment, neither wet nor dry.

The amendment was read as follows:

Insert over each proposal in the address to the people the index number opposite the title thereof on the official ballot except that over the proposal concerning the liquor traffic, there shall be no index number.

Mr. DOTY: This simply provides that whatever printed explanation there is will carry the same number as on the ballot.

Mr. CASSIDY: How is that indicated?

Mr. DOTY: There will be a number each place. I could go on and say at such and such a line and such and such a line, but when I would get through with that I would have done only what I would have accomplished here in these lines.

Mr. CASSIDY: Your amendment is all right, but it is not an amendment to this resolution, and it will have to be done separately.

Mr. DOTY: It has been done for fifty years. If you prefer to have me write out line so and so and so and so, I can do it.

Mr. CASSIDY: This cannot come in as an amendment to this resolution. The amendment should be a separate resolution.

Mr. DOTY: A separate resolution would not do at all. We have a resolution here trying to get things here out in shape. If we want these numbers at those places the only way to get them in is to amend them in.

Mr. KNIGHT: Will you withdraw your amendment until we get through?

Mr. DOTY: I will withhold it. I thought we were through.

Mr. KNIGHT: I would like to offer an amendment to the explanation affecting the municipal corporation proposal whenever it is in order.

The PRESIDENT: If this amendment by Mr. Doty is withdrawn your amendment is in order.

The amendment was read as follows:

In line 3 of the first paragraph, after the "such" insert "local, police, sanitary and other similar".

In line 9 strike out the word "education".

Mr. KNIGHT: Just a moment: The first paragraph of the explanation is a little broader than the proposal itself. It reads as follows: "Cities and villages under the proposed amendment are given the right to frame their own charters, own and regulate their own public utilities adopt by ordinance such regulations not in conflict with general law when they may deem it necessary." The proposal says "such local, police, sanitary and other similar regulations," and the statement is so broad as to be misleading. I have consulted with some members of the committee on Municipal Government, and they think that this amendment should be introduced. A little further down it says, by way of illustration, that the general assembly has specifically reserved power to limit, etc., to make certain provisions for education, police, sanitary and other matters as may be for the general welfare of the state. There is nothing in the proposal touching education. There seems to be no necessity for the insertion of that word, and the amendment is to strike out that word.

The amendment was agreed to.

Mr. STILWELL: On the subject of article II, section 35, to meet the objection that was raised to the address upon the matter of workmen's compensation it has been agreed to insert the words "by compulsory contributions" after the word "maintained."

The amendment was agreed to.

Mr. HOSKINS: Before this part of the matter is concluded I want to call the attention of the Convention to article XIII, section 2. We passed that. I don't know whether it was voted on or not, but the explanation of that was rather colorless. I know that nothing was given to the committee for explanatory purposes. That proposal was passed by almost the unanimous vote of the Convention. Now there were just two sentences given in explanation of that. I regard that as one of the very important proposals and one on which we ought to have some light and if it is not out of order I would like to offer a substitute for the first sentence. There are only two sentences. The last sentence says it can regulate the sale of personal property. The other is that it can regulate the issue and sale of stocks and bonds. I want to insert here in lieu of the first sentence of that explanation:

This amendment is offered for the purpose of authorizing legislation that will permit the classification of corporations and the regulation by law of the issue and sale of stocks and bonds as well as supervision over their organization and business. The further purpose is to authorize such legislation as will prevent the sale of fraudulent stocks and bonds by either domestic or foreign corporations.

That is specifically provided for in the amendment and nothing said about classification. That will permit the classification of corporations and the regulation by

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law of the issue and sale of stocks and bonds as well as the supervision over their organization and business. The further purpose is to authorize such legislation as will prevent the sale of fraudulent stocks and bonds. So I move that the vote by which the explanation to article XIII, section 2, was adopted be reconsidered.

The motion was carried.

Mr. HOSKINS: Now I offer this amendment in lieu of the first sentence of that amendment.

Mr. JONES: I notice in the first few lines a reversal of the order of statement which should be corrected.

Mr. HOSKINS: I do not understand that.

Mr. JONES: The point is this. The supervision is over the stocks and bonds. That should come first, as well as the control over the issue and sale of the stock.

Mr. HOSKINS: The issue and sale of stocks should come first.

Mr. JONES: It should not. You should first classify the corporations.

Mr. HOSKINS: I beg your pardon. The regulation of the issue and sale of stocks and bonds is first in the proposal.

Mr. JONES: No, sir. The proposal has corporations classified, and then there may be conferred such supervisory and regulatory powers over their organization and business, etc.

Mr. HOSKINS: I think that is very important.

Mr. CASSIDY: I do not think, following the rule that we have adopted, that this amendment is a fair one. There is not a word in the proposal about the sale of fraudulent stocks and bonds. That is an argument pure and simple. The attempt of this committee and of this report was to state fairly and squarely what the proposal does. It gives the legislature or lawmaking body power to regulate the business and the sale of stocks and securities of foreign corporations and joint stock companies. Take the following proposal. You might as well say that the object of the proposal was to prevent fraudulent banking. If we would attempt to do anything like that, certain members would be objecting. I don't see why "fraudulent" should be allowed in one place and not in the other.

Mr. HOSKINS: The whole discussion of that proposal was to reach that point, and while I did not have much time to consider the language, I submit you have not adhered to any rule and that the committee did not adhere to the rule. You started out to make no argument, and you have argued every proposal, some of them by stump speeches. The whole argument in favor of this proposal was that we could prevent the fraudulent issue and sale of stocks and bonds. The people will understand that language and would not understand the language used by the committee. I think it is a fair statement. If the word "fraudulent" is cut out and a milder word used, all right. That is the purpose, and why not state it to the people?

Mr. DOTY: It will not hurt it.

Mr. HOSKINS: No, sir; if you say it is to prevent fraudulent stocks and bonds they will understand you. The point is in regard to the sale, and that is what should be submitted.

Mr. CASSIDY: Probably you had better say the blue-sky laws of Kansas; then they will understand it, I suppose.

Mr. WINN: The proposal is that the board created shall have such supervisory and regulatory powers over their organization and business and the issue and sale of stocks and securities as may be prescribed by law. You are limiting it, are you not, to the fraudulent sale of stocks?

Mr. HOSKINS: No, sir.

The amendment was agreed to.

Mr. DOTY: Now, I want to move to amend this resolution now pending so that the index numbers on the bills will be placed over the proposal in the address to the people.

The PRESIDENT: Let the amendment be read.

The amendment was read as follows:

Insert over each proposal in the address to the people the index number opposite the title thereof on the official ballot except that over the proposal concerning the liquor traffic, there shall be no index number.

The amendment was agreed to.

The PRESIDENT: The secretary will proceed with the reading of the resolution.

The secretary continued reading as follows:

Resolved, That the committee on Submission and Address to the People be, and is hereby, authorized to have the foregoing address printed in the form of a newspaper supplement and sent free to publishers agreeing to circulate the same; that an advertisement be placed in at least two newspapers of opposite politics in each county of the state, once a week for five weeks preceding the special election, to occupy three columns and to contain a facsimile of the ballot, the date of the election and such explanatory matter only as has been authorized by the Convention the rate for the same to be the commercial rate or not to exceed fifty per centum of the legal rate for official advertising.

Resolver further, That contracts for printing and advertising be entered into by the committee on submission and Address to the People and that vouchers for the payment of the same be signed by the president and secretary who are hereby authorized by the Convention to sign such contracts and vouchers subject only to the following conditions: first, that said advertising bills shall not be paid out of the funds of the Convention until all other obligations of the Convention have been paid; second, that when all other obligations of the Convention have been met said advertising bills shall be paid out of the balance of money on hand and if said balance is not sufficient that each advertiser shall receive his ratable share of the available funds; third, that the committee on Submission and Address to the people is hereby authorized to certify to the auditor of state, to be by him filed with the house of representatives of the next general assembly, the exact amount, if any, due to each newspaper publisher after the appropriation for the expense of this Convention is exhausted; fourth, that all advertising contracts made shall stipulate that in the event the funds are insufficient creditors agree to rely on

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the legislature to make an appropriation to satisfy their claims; and, fifth, that no advertising or printing contracts be authorized by the committee on Submission and Address to the People save and except on the foregoing conditions.

Resolved further, That the same matter to be included in the supplement, be published in pamphlet form and that one thousand copies of said pamphlet be furnished each member of the Convention.

Resolver further, That all that part of Resolution No. 141 adopted June 1, 1912, after the word "resolved" up to and including the figure "4" in the last paragraph is hereby rescinded.

Mr. LAMPSON: This resolution is the result of a good deal of consideration upon the part of the committee on Submission, and is partially the result of the action of the associated daily newspapers of Ohio. Their representatives appeared before the committee and made certain propositions. They feel that the newspapers of the state will play an important part in the advertising of the work of the Convention and that they ought to be recognized. Now, in the resolution which we adopted the other day we proceeded upon the theory that we would advertise our work by the distribution through the mails, and otherwise, of a very large number of pamphlets. If we were to reach every voter in the state by mailing each voter a pamphlet it would take twelve hundred thousand or thirteen hundred thousand pamphlets. If it took twelve hundred thousand, and we mailed them to the voters the cost would be \$12,000 for the postage. It would require a large number of clerks and a great deal of work to obtain the addresses of a million or twelve hundred thousand voters, and it would take an army of clerks from thirty to sixty days to address the pamphlets. If you will make a few figures on that subject you will see where we would be. An expert clerk indorsing pamphlets will not address more than a thousand in a day, and probably will not average that. He would have to work very hard to do that, and the result would be it would take forty or fifty clerks to address a million or twelve hundred thousand pamphlets to the voters of Ohio within the next thirty to sixty days. The printing of such a large number of pamphlets would cost a good many thousand dollars, and in the end, in my judgment, will not be as satisfactory as the method outlined in this resolution. The newspaper representatives, representing more than one hundred daily papers, have offered to circulate the statements provided for in the resolution free if we print it, placing the name of each paper over the head of it, so that they can fold it into their papers. They will fold it into their papers and distribute it to their readers free. Beyond that they want some recognition, and therefore we want to carry a three-column advertisement in certain newspapers designated by the committee on Submission for five weeks prior to the election, giving the date of the election and a facsimile ballot, and such other matters as the Convention may authorize. In one of the proposals which we have passed we provide for advertising for a period of five weeks of constitutional amendments. I see no reason why we should not at least advertise our work for the same length of time. It would not cost as much as provided in that proposal either, for that proposal pro-

vides for the printing of the amendments in full for five weeks before the election. In addition to that we provide for a thousand copies of the matter in pamphlet form to each delegate for distribution in his own county.

Mr. ELSON: How will these newspapers be chosen, and will there be any trouble with those who are not chosen, but which distribute the supplement?

Mr. LAMPSON: Those who take the supplement will receive the advertisement. We will first correspond and ascertain those willing to take it, and those that are willing to receive it. The usual method is to have a paper of each political faith in the county, and in addition to that I have no doubt arrangements have been made for papers in the German language and perhaps other languages. The resolution leaves some discretion to the committee on Submission as far as that is concerned, but the aim would be to deal fairly with the newspapers, and when we get through with it, in my judgment, it would not cost as much as the pamphlet method would cost.

Mr. MILLER, of Crawford: Give me some idea as to the cost.

Mr. LAMPSON: I have been trying to figure it, and I have been in the newspaper business a good many years myself. I am not in it much recently. I think perhaps \$30,000 or \$40,000 would be the cost; perhaps something like \$400 to the county. I have some figures that I have been making here. A column is something like twenty-five squares. Is that about right?

Mr. TANNEHILL: It strikes me as correct.

Mr. LAMPSON: The proposition by the newspapers is to publish the advertising matter at one-half of the legal rate and charge nothing for the circulation of the supplement.

Mr. MILLER, of Crawford: How many inches.

Mr. LAMPSON: Seventy-five squares at \$37.50 a column. We have to print the supplement at the job office and the supplement will contain the entire matter—all of these proposals, with the explanatory matter and a facsimile of the ballot.

Mr. MILLER, of Crawford: The papers in our county will publish all of the amendments, one hundred and thirty inches for \$50 per paper.

Mr. LAMPSON: That is about what it will figure. Do you mean publish the amendments and the advertising matter too, or just the amendments?

Mr. MILLER, of Crawford: To publish the amendments would take one hundred and thirty inches.

Mr. LAMPSON: That would be more costly than the manner I suggest.

Mr. ELSON: Would it not be better for the committee to have the option of getting an independent paper here and there?

Mr. LAMPSON: They have that option.

Mr. ELSON: And must it be a daily paper?

Mr. LAMPSON: No, sir; any paper.

Mr. TALLMAN: Could not that be charged to the member, the duty of selecting the papers in his county?

Mr. LAMPSON: The delegate could suggest to the committee on Submission, and the committee would pay attention to what the delegate says.

Mr. DOTY: That is really the way it would work out.

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Mr. NYE: What was to be included in the supplement?

Mr. LAMPSON: All of the amendments and the explanations and the address to the people.

Mr. KNIGHT: Simply what we have been working on today.

Mr. LAMPSON: Yes.

Mr. READ: Giving to each delegate one thousand copies to distribute is not fair as far as the delegates are concerned. The number of constituents of each delegate is different. Summit county has only one delegate here, and there are counties that have three delegates that haven't as many voters as Summit county. Your county. Mr. Lampson, has two delegates, and yet I represent a great many more votes than both of you delegates. I know I could distribute more than one thousand.

Mr. LAMPSON: I do not think there will be any trouble in any delegate getting what he is entitled to. My disposition is to give the fullest publicity to these matters, and I know that will be the aim of the committee.

Mr. KING: Do you not provide for publishing the advertisement in only two newspapers?

Mr. LAMPSON: No, sir; there is no limit, but the committee on Submission will have to make some reasonable limit on it in practice.

Mr. KING: Would they allow advertising in one German paper?

Mr. LAMPSON: Yes; that is within the discretion of the committee on Submission.

Mr. TANNEHILL: This plan does not contemplate the mailing of individual copies?

Mr. LAMPSON: It does not. The one thousand copies will be sent in bulk to each delegate.

Mr. TANNEHILL: I think the people do not understand what that would cost. I do not believe it can be done short of \$100,000.

Mr. LAMPSON: It will cost double what this plan will cost if carried out, and it would take a great deal more time to carry it out.

Mr. BROWN, of Pike: What method have you for choosing the papers?

Mr. LAMPSON: The delegates can make suggestions as to the papers from their county and the committee on Submission will endeavor to be fair in the distribution.

Mr. BROWN, of Pike: I suggest that that be included in the resolution.

Mr. LAMPSON: You could fix it any way you please, but the trouble about fixing it that way is that the conditions in different counties vary. The conditions in Pike county would be very different from the conditions in Cuyahoga and many other counties. It would be much better to trust it to the fairness of the committee on Submission in my judgment.

Mr. HOSKINS: Each member would be allowed one thousand copies?

Mr. LAMPSON: Yes.

Mr. HOSKINS: The resolution does not provide for the publication of anything but the address?

Mr. LAMPSON: It does not. It is proposed to include the address and the amendments and explanations and a facsimile ballot.

Mr. HOSKINS: A thousand copies of that would be sent by express or otherwise to each member?

Mr. LAMPSON: Yes.

Mr. HOSKINS: And they would use their own discretion as to how to distribute them?

Mr. LAMPSON: Yes.

Mr. HOSKINS: The probabilities are, are they not, that there would be more or less wasting of these unless some arrangement is made to mail to the constituents? Would it not be advisable to let the members furnish a thousand names of persons whom they could be mailed to, and in that way the expense of distribution could be taken care of, and a much better distribution had than if a thousand copies were shipped to each man's office and thrown as junk in the back room?

Mr. LAMPSON: I hardly think that would happen. If members do not want them they could give them to other members.

Mr. HOSKINS: But can the members distribute as well as they could be distributed from here?

Mr. LAMPSON: As soon as we enter upon the mailing business, we shall have an army of clerks and it will take a good deal of time and expense, much more than what we contemplate here.

Mr. RORICK: Each member can arrange with the newspapers in his county to leave a certain number there and the newspapers can distribute them.

Mr. LAMPSON: Certainly.

Mr. PETTIT: What will these pamphlets cost apiece?

Mr. LAMPSON: That depends on the number that we print. It will not be very expensive, one or two cents.

Mr. PETTIT: Have there been estimates on that?

Mr. LAMPSON: Yes; on a million copies.

Mr. PETTIT: You couldn't get them at two cents apiece?

Mr. LAMPSON: Yes—two, three, four or five cents, somewhere in there.

Mr. PECK: State again just exactly what you propose to have in these pamphlets.

Mr. LAMPSON: The address, which has been under consideration tonight, all the amendments and explanations, and the facsimile ballot.

Mr. PECK: A copy of the constitution?

Mr. LAMPSON: It does not provide for a copy of the old constitution.

Mr. MOORE: The rural mail carrier would be a splendid avenue to distribute this matter.

Mr. LAMPSON: If one hundred and nineteen thousand copies are not sufficient the resolution is open to amendment in that respect.

Mr. HOSKINS: Do you propose by the resolution to print in the newspapers the full text of the amendments?

Mr. LAMPSON: Oh, not at all. We propose to furnish to the newspapers a supplement containing the full text, together with the explanations, but the advertisement that goes into the newspaper is to be a display advertisement covering three columns of space, and followed up with the ballot and some explanation as to the marking of the ballot.

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Mr. HOSKINS: And that explanation would have to come from the committee on Submission?

Mr. LAMPSON: Yes.

Mr. HOSKINS: The presumption being that they would furnish all of the papers exact duplicates?

Mr. LAMPSON: The same thing to all of the papers, to take three columns of space, to run for five weeks and to be paid for at the commercial rate, or not more than fifty per cent of the legal rate.

Mr. HOSKINS: Is this the proposition that comes from the organization of newspapers?

Mr. LAMPSON: Yes, the organization of the Ohio dailies embracing all of the dailies outside of the big cities and some in the big cities. They were represented here yesterday.

Mr. ELSON: Would it not be well for the committee to have power to divide it up?

Mr. LAMPSON: That is the way we want it.

Mr. ELSON: Why should two alone be chosen?

Mr. LAMPSON: It says at least two.

Mr. HALFHILL: Has any estimate been made as to the advertising and distribution as proposed by the committee?

Mr. LAMPSON: There has not been any official estimate, but it will run \$30,000 or \$40,000, and the representatives of the papers agreed to wait for any expense of advertising until the legislature convened, and they will take their chances with the legislature of getting an appropriation to pay it.

Mr. HALFHILL: I do not think they would be taking much chance.

Mr. LAMPSON: Oh, no; none whatever.

Mr. HALFHILL: Do I understand that the committee selects the papers?

Mr. LAMPSON: Yes, the committee selects the papers; somebody will have to select them. The committee, I have no doubt, will be ready to listen to suggestions from delegates representing the counties where the papers are located.

Mr. HALFHILL: What does this advertising mean?

Mr. LAMPSON: The proposition is to advertise the ballot until the date of the election in a display ad. for five weeks preceding the election, giving the date of the election and the body of the ballot right in the newspapers.

Mr. HALFHILL: Now, I am well content with that resolution; it looks as though it had been framed with some care, but I want to make one exception. I would like to know what is going into that advertisement, and I do not believe the Convention ought to leave that an open matter.

Mr. LAMPSON: My understanding from the talks we have had—I don't know whether the resolution fixes this sufficiently or not.

Mr. HALFHILL: That is still an open matter. You say "such explanatory matter authorized by the Convention." Therefore the committee draws its own conclusions as to what has been authorized.

Mr. PECK: The result will show.

Mr. HALFHILL: We have agreed to what has been done, except that you prepare your own advertisement and put your own construction on it.

Mr. LAMPSON: My understanding is that nothing will go into the advertisement except what has been

agreed to by the Convention, and that it is to include a facsimile of the ballot, the date of the election and the explanation as to the marking of the ballot, which is at the head of it, and I do not see why there should be anything more put on.

Mr. HALFHILL: We all agree to that part, but we ought to adopt here the explanatory things that are to go out. You don't mean all that we have adopted?

Mr. LAMPSON: No; there would not be any room for it. It has been estimated it would take about three columns to put in this facsimile ballot, together with the display advertisement, the date of the election and the explanation.

Mr. HALFHILL: Therefore, this committee draws its own conclusions as to what this Convention has agreed upon, and you add that?

Mr. LAMPSON: We had to draw that conclusion from the records of the Convention.

Mr. HALFHILL: I understand that very well, but there are conclusions and conclusions, and why cannot something be submitted for the Convention to act upon?

Mr. LAMPSON: Is not this what you are figuring on, that in making this up, if there is any spare room, the committee may put something on there—is that what you fear?

Mr. HALFHILL: I fear that the committee in that advertisement will put in its own conclusion as to what this Convention wants, and I want the Convention to act on that itself.

Mr. WINN: Is it not a fact that you are afraid they will put in something favorable to the initiative and referendum?

Mr. PECK: No; he is afraid they will put in the single tax.

Mr. HALFHILL: As long as you have inquired on that, I will answer you definitely. The matter is for the Convention to decide, and is the most important matter that can come before us, and it seems to me that the Convention should decide it and that no committee should be entrusted with that power.

Mr. ELSON: Is it understood that no explanation specifically shall go in the advertisement?

Mr. LAMPSON: There is no room for it.

Mr. HALFHILL: The trouble is that the committee draws its own conclusions on what we have done. Now, another matter. This amendment is for the purpose of presenting the matter to the voter?

Mr. LAMPSON: Yes.

Mr. HALFHILL: Calling his attention to each one of these propositions? Now will there be an argument made by the committee on this advertisement?

Mr. LAMPSON: None whatever.

Mr. TALLMAN: I move that the member from Allen be added to that committee so that he will know what action is taken.

The PRESIDENT: If there is no objection, that motion will be considered agreed to.

Mr. HALFHILL: I thank you.

Mr. WALKER: I offer an amendment.

The amendment was read as follows:

At the end of the resolution add:

"And resolved further that a copy of the present constitution be included as a part of said pamphlet.

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Mr. WALKER: That is sufficiently clear to everyone not to require any explanation. You will not find one constitution of the state of Ohio in five hundred homes throughout the state, and each voter, I think, should have the old constitution when he tries to pass on the amendments made to it. We should be able to see the old as well as the new.

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

The motion to table was lost.

Mr. KRAMER: I would like to say a word or two about spending money right here. This will cost twice as much or more than twice as much as the way it is now figured out. I don't think the money ought to be expended. I don't think simply because we have a little money left that we should go mad in spending it for everything.

Mr. JONES: We passed a resolution here the other day with reference to this matter, a resolution which provided for the printing of the present constitution in an extra edition and sending a copy to each voter of the state as far as possible.

DELEGATES: No.

Mr. JONES: I may be in error, but I got that understanding, that it was embodied in that report of the committee. I have had a great many inquiries since our previous session with reference to this matter of the committee, and I have made answers to all of the inquiries. I have gotten word that if the matter is submitted in the newspapers a large number of the voters will never see a word that this Convention has done. It seems to me that the expense of making this pamphlet has been very much overestimated. I undertook in my canvass for election to this Convention to mail a personal letter to each voter in the county, and I employed a couple of young women to address the envelopes, and the whole expense was very moderate.

Mr. DOTY: How much was it?

Mr. JONES: Ten or fifteen dollars.

Mr. DOTY: How many voters have you?

Mr. JONES: Five thousand.

Mr. DOTY: Where did you get the names?

Mr. JONES: From the tax returns and from the poll books.

Mr. LAMPSON: Did you pay for getting the names, or did they just do it for nothing?

Mr. JONES: I employed the young women to get the names from the auditor's office and the letters were addressed and directed from the books. They didn't take any copy of any list of names.

Mr. LAMPSON: Do you think that could be done in this case?

Mr. JONES: No, sir.

Mr. DOTY: Do you or not know that twenty per cent of the names now on the tax returns are wrong?

Mr. JONES: You will reach three times as many people that way as you will by your method.

Mr. ELSON: Do you realize that we must depend in a large measure upon free notices from the newspapers, and is it not right and proper that we should do something for them?

Mr. JONES: I am not talking about that. I am simply saying that the method I suggest is very little

more costly, while it is much more efficacious, than the manner suggested here?

Mr. ELSON: Do you not realize it would be a great deal easier to give the same information to each voter through the supplement in the newspapers?

Mr. JONES: The trouble is your newspapers won't go to half of the voters. Considerable number of people in the state don't take any newspapers.

Mr. ELSON: Do you not realize that to get that list of names you want to get you have to have an organization with men of ability and that it will take a whole lot of work and a great deal of time?

Mr. JONES: I venture to say that in the average rural county substantially a proper list of names of the voters could be gotten for from \$25 to \$50 at the outside.

Mr. LAMPSON: I venture to say it cannot be done for \$100.

Mr. DOTY: Now, who is going to do this? We haven't any bureau organized for work?

Mr. JONES: This committee on Submission.

Mr. DOTY: We are not rich as you are, Mr. Jones.

Mr. JONES: You are proposing to do a whole lot of work, but what I am objecting to is that your work won't have results. You won't get to the people with it.

Mr. ELSON: I demand the previous question.

Mr. LAMPSON: I have an amendment which ought to be adopted, and I ask the secretary to read it. I want to offer it and have the secretary read it before the motion for the previous question is made.

The amendment was read as follows:

After the word "politics" in the first paragraph of the last page insert:
"and of general circulation".

The amendment was agreed to.

The PRESIDENT: The amendment of the delegate from Holmes is now in order. It is at the end of the proposal and proposes to add "And resolved further, That a copy of the present constitution be included as a part of said pamphlet."

Mr. DOTY: That ought not to be adopted. It would produce a very confusing pamphlet. I move to lay that amendment on the table.

The motion was carried.

Mr. READ: I offer an amendment.

The amendment was read as follows:

At the end of the third paragraph of the final page strike out the period and add the following: "and fifty thousand additional copies be printed for general distribution."

The amendment was agreed to.

Mr. BROWN, of Highland: I have been thinking for some half an hour—

Mr. DOTY: What is that?

Mr. BROWN, of Highland: —and without getting anything from Mr. Doty, and that is an extraordinary thing, that anybody should think differently from Mr. Doty. And I think this display advertisement to teach the people how to vote and not to teach them how to understand the proposals is unnecessary. I don't think it is necessary to have that published any five weeks. I

Address to the People—Resolution Expressing gratitude of Convention to Employes.

think two weeks will do just as much good as five weeks and it will cost a good deal less.

Mr. LAMPSON: The proposition was first eight weeks, and then this proposition came from the representatives of the newspapers, and it was cut down to five weeks. I do not want to change that time.

Mr. BROWN, of Highland: It does not seem to me that length of time is necessary, and I therefore move that the word "five" be stricken out and the word "three" substituted.

Mr. KING: I am opposed to sitting here all night quarreling with the committee that we ourselves have appointed and that has manifestly done the best it could. I therefore move the previous question.

The main question was ordered.

The amendment of the delegate from Highland was not agreed to.

The PRESIDENT: The question is "Shall Resolution No. 155 be adopted?"

The yeas and nays were taken, and resulted — yeas 80, nays 3, as follows:

Those who voted in the affirmative are:

Antrim,	Halenkamp,	Moore,
Beatty, Morrow,	Halfhill,	Nye,
Beyer,	Harbarger,	Okey,
Brown, Highland,	Harter, Huron,	Partington,
Brown, Pike,	Henderson,	Peck,
Cassidy,	Hoffman,	Pettit,
Cody,	Holtz,	Read,
Collett,	Hursh,	Riley,
Colton,	Johnson, Williams,	Roehm,
Cordes,	Kehoe,	Rorick,
Crosser,	Keller,	Shaffer,
Cunningham,	Kerr,	Smith, Geauga,
Davio,	Kilpatrick,	Smith, Hamilton,
Donahey,	King,	Stalter,
Doty,	Knight,	Stevens,
Dunlap,	Kramer,	Stilwell,
Dunn,	Kunkel,	Tallman,
Dwyer,	Lambert,	Tannehill,
Earnhart,	Lampson,	Tetlow,
Elson,	Leete,	Thomas,
Evans,	Leslie,	Wagner,
Fackler,	Longstreth,	Walker,
Farrell,	Malin,	Watson,
FitzSimons,	McClelland,	Winn,
Fluke,	Miller, Crawford,	Wise,
Fox,	Miller, Fairfield,	Mr. President.
Hahn,	Miller, Ottawa,	

Those who voted in the negative are: Brattain, Harter, of Stark, Jones.

So the resolution was adopted.

Mr. HALFHILL: I offer a resolution.

The resolution was read as follows:

Resolution No. 156:

WHEREAS, The employes of the Convention, viz.:

ASSISTANTS TO THE SECRETARY.

Will T. Blake, East Liverpool.
T. Harold Brown, Columbus.
Ira I. Morrison, Akron.
Ella M. Scriven, Columbus.
E. G. Wulff, Cincinnati.
Clement Kelly, Marion.
Harry L. Rebrassier, Louisville.
S. E. Neff, Bucyrus.

BILL CLERKS.

James B. Lewis, Rocky River.
H. S. Brown, Dowling.

STENOGRAPHERS.

Miletus Garner, Columbus.
Mrs. Ada Pemberton, New Vienna.
Florine Files, Wauseon.
Ethel North, Greenville.
Lida Judge, Columbus.
Ella Quigley, Zanesville.
Julia E. Kersting, Ottawa.
Anne L. Bower, Columbus.
Etheline Dille, Glouster.
Minnie Rodgers, Columbus.
Gertrude H. Lake, Cleveland.
Carl Mutschler, Wapakoneta.

CLERKS TO COMMITTEES.

Mary Turner, Hamilton.
Katherine Kellar, Lancaster.
Geo. Cartwright, Cleveland.

SERGEANT-AT-ARMS.

J. C. Sherlock, Bremen.
Assistant, William C. Reis, Hardin Co.
Custodian, Fred Blankner, Columbus.

POSTMASTER.

J. F. Cunningham, Montgomery Co.
Assistant, W. E. Childs, Cuyahoga Co.

DOORKEEPERS.

John B. Lewis, Erie Co.
O. S. Shetler, Stark Co.
James Vines, Butler Co.
James Mitchell, Ottawa Co.

CUSTODIANS OF COMMITTEE ROOMS.

Jas. E. Allen, Ashtabula Co.
Wm. B. Hassett, Stark Co.
D. M. Welty, Fairfield Co.
Alfred Jacobs, Clark Co.
Lewis Miller, Coshocton Co.

CLOAK ROOM ATTENDANTS.

Allen G. Atwill, Paulding Co.
William Crites, Tuscarawas Co.

PAGES.

J. C. Scott, Knox Co.
Howard Fordyce, Licking Co.
Glenn Emerson, Belmont Co.
R. J. Bartlett, Delaware Co.
Albert Goodyear, Clermont Co.
George C. Bond, Franklin Co.
Charles Abbott, Shelby Co.
H. D. Sites, Ashland Co.
Raymond Stremel, Greene Co.

Disposal of Property of Convention—Correction of Errors in Address to the People—Publication of Journal.

PORTERS.

Oliver Henson, Ashtabula Co.
Joseph Rosenberger, Lucas Co.
John Littlejohn, Jackson Co.
William Todd, Franklin Co.
C. M. Fisher, Gallia Co.
Nelson Winslow, Madison Co.
George Riley, Franklin Co.

have faithfully discharged their respective duties, therefore,

Resolved, That each and every one of the above named persons are entitled to the gratitude of the Convention and are commended for meritorious service.

Mr. HALFHILL: I think the committee which elected the employes is to be commended for the work they did.

The success of any man or any body of men depends a great deal upon the ability to secure proper helpers. We have been certainly fortunate in this respect, and I therefore move that the rules be suspended and that the resolution be adopted.

By unanimous consent the rules were suspended and the resolution considered at once.

The resolution was adopted.

Mr. ANTRIM: I offer a resolution.

The resolution was read as follows:

Resolution No. 157:

WHEREAS, There was purchased for the use of the Convention and its members a quantity of office furniture and fixtures together with a number of books and other supplies which will not be needed for use after the adjournment of this body; therefore

Be it resolved by this Convention, That the secretary be, and he hereby is, instructed immediately after adjournment to cause an inventory of all of such articles to be made and to sell the same as soon as there is no longer any use for them and account for the proceeds to the treasurer of state for the benefit of the proper fund.

By unanimous consent the rules were suspended and the resolution was considered at once.

The resolution was adopted.

Mr. FACKLER: I offer a resolution.

The resolution was read as follows:

Resolution No. 158:

Resolved, That the committee on Submission and Address to the People be authorized to correct errors of punctuation and grammatical construction in the Address to the People.

By unanimous consent the rules were suspended and the resolution considered at once.

Mr. FACKLER: That is necessary by reason of a couple of errors in the ballot, where section numbers have been given incorrectly.

The SECRETARY: No; that is not so.

Mr. FACKLER: Yes; there are some errors.

Mr. COLTON: The word "in" is left out at one place.

Mr. DOTY: I move that we recess until 9:30.

The PRESIDENT: The member from Allen has the floor.

Mr. HALFHILL: I desire to call attention to something which is an error which is a surprise probably to all of us. It will relate to an amendment to section 15 of article IV, and it is very easy to understand how the error got in. If you will look at your copy of the grand resolution, on page five as this proposal was originally submitted, it used the words: "The general assembly may increase or diminish the number of judges of the supreme court," etc. Then you notice a little further on that it refers to the house, providing that laws may be passed. There you have an awkward situation and it ought to be amended by inserting after the word "house" the words "of the general assembly".

The PRESIDENT: Is the member from Allen speaking upon any pending question?

Mr. HALFHILL: I am suggesting an error, and I am a little at a loss to know how to remedy the situation.

The PRESIDENT: The question pending is that the committee on Address to the People be given authority to change the punctuation and other errors contained in the address to the people. The member from Allen is discussing something else.

Mr. HALFHILL: I beg the pardon of the Convention. I thought that matter was passed, and I was bringing this matter up for consideration.

The resolution offered by Mr. Fackler was adopted.

Mr. LAMPSON: Now, I offer a resolution.

The resolution was read as follows:

Resolution No. 159:

Resolved, That the F. J. Heer Printing Company is hereby authorized to publish and bind in buckram one thousand copies of the journal of the Convention, including an index estimated at two hundred pages, for fifteen hundred (\$1,500.00) dollars. If the index should exceed two hundred pages two (\$2.00) dollars in addition to the above estimate is to be allowed for each additional page. If the index should be less than two hundred pages a deduction of two (\$2.00) dollars per page is to be made from the above amount.

The rules were suspended and the resolution was considered at once.

The question being "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 67, nays 11, as follows:

Those who voted in the affirmative are:

Antrim,	Evans,	Johnson, Williams,
Beatty, Morrow,	Fackler,	Jones,
Beyer,	FitzSimons,	Keoh,
Brown, Highland,	Fox,	Kerr,
Brown, Pike,	Hahn,	Kilpatrick,
Collett,	Halenkamp,	King,
Colton,	Halfhill,	Knight,
Cunningham,	Harbarger,	Kunkel,
Davio,	Harter, Huron,	Lambert,
Donahay,	Henderson,	Lampson,
Doty,	Hoffman,	Leete,
Dwyer,	Holtz,	Leslie,
Earnhart,	Hoskins,	Longstreth,
Elson,	Hursh,	Miller, Crawford,

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Miller, Fairfield,	Rorick,	Tetlow,
Miller, Ottawa,	Shaffer,	Thomas,
Norris,	Smith, Geauga,	Wagner,
Nye,	Stalter,	Walker,
Peck,	Stevens,	Watson,
Read,	Stilwell,	Winn,
Riley,	Tallman,	Wise,
Roehm,	Tannehill,	Mr. President.
Harris, Ashtabula,		

Those who voted in the negative are:

Brattain,	Farnsworth,	McClelland,
Cassidy,	Fluke,	Pettit,
Dunlap,	Kramer,	Solether.
Dunn,	Malin,	

Mr. Tetlow submitted the following report:

The standing committee on Employes, to which was referred Resolution No. 134 — Mr. Doty, having had the same under consideration, reports back the following substitute and recommends its adoption:

Resolved, Section 1. That when this Convention adjourns on June 6, 1912, it be to meet at 2 o'clock in the afternoon of Monday, August 26, 1912, unless a meeting of the Convention shall be called in the meantime; the written demand of any ten members of the Convention filed with the secretary of the Convention shall constitute a call for any such meeting, and the secretary shall notify each member of the Convention by mail of such call, provided that the time for convening the Convention for such called meeting, shall be not less than five days from the time when the notice therefor shall have been filed; and that such meeting shall be held in the city of Columbus, Ohio.

SECTION 2. The president and secretary shall continue to keep their present office rooms and shall have general charge of the issuing of such pamphlets and documents and the preparation and placing of such advertising matter, as the Convention shall authorize; the indexing, proof reading and publication of the journal of the Convention; the editing, proof reading, indexing and publication of the debates of the Convention. For this work the secretary of the Convention is hereby authorized to retain three employes of the present force to be continued at their present compensation for such length of time, not longer than August 26, 1912, as the president and secretary may find their services necessary; and in addition and at the same compensation and for the same time, H. L. Rebrassier, is hereby employed, to assist in the editorial and proof reading work upon the debates of this Convention; the services of J. B. Lewis and H. S. Brown, bill clerks, are hereby authorized during the month of June, for the purpose of sorting, filing and forwarding the documents of this Convention to the delegates and to the public and such other documents as may be authorized by the Convention; and their services may be continued by the president and secretary after the month of June for any distribution of documents that may be authorized by the Convention; the services of Carl A. Mutschler, clerk of the historian and reference librarian, are continued for thirty days from June 7th at his present compensa-

tion; the services of the postmaster are hereby continued up to June 16, 1912, at his present compensation.

SECTION 3. The services of the sergeant-at-arms, J. C. Sherlock, and of the custodian, Fred Blankner, are hereby continued for the period of seven days after June 7th, and they are hereby instructed to procure boxes and all necessary material for packing and shipping documents of the delegates; they are hereby authorized to retain Wm. C. Reis, John Littlejohn and Allen G. Atwill and they shall receive for such service the same per diem as is now being paid them by this Convention; the president of the Convention is hereby authorized and instructed to sign vouchers therefor and for necessary material and express charges.

SECTION 4. Seven days after June 7, 1912, the sergeant-at-arms of this Convention shall turn over the hall and committee rooms to the proper custodian thereof; except such rooms as may be required by the president and secretary for the work authorized by this Convention, which rooms are hereby retained until August 26, 1912.

SECTION 5. The bill clerk is hereby directed to cause to be filed one complete set of documents, proposals, reports and printed matter, except the daily journal, with the state librarian for preservation in the state library. The secretary of this Convention is hereby directed to deposit with the state librarian one complete printed journal and printed debates, after publication.

SECTION 6. The secretary of this Convention shall attest one printed copy of the journal of this Convention and file the same with the secretary of state as the official record of this Convention. He shall file with any certificate of proposed amendments, engrossed copies of the proposals as finally passed by the Convention and each engrossed copy shall be certified to by the secretary of the Convention, showing the date of final action.

SECTION 7. The service and compensation of all employes of the Convention, not provided for in this resolution, shall cease June 7, 1912.

Mr. DOTY: This resolution is substantially like the one I introduced, the chief difference being in the selection of the names of the clerks who are to assist the secretary in indexing and in the correction of the expert proofreader. I have no personal interest in the names contained in my first resolution. I anticipated that this Convention would follow the precedent that the Convention set itself in the beginning of our work in that it named the employes to assist all of our officers. The selection of the proofreader, an expert to prepare copy and read proof, ought not to be done hastily or at the dictation of some outsider. I made an investigation as to Mr. Nichols, and I found that, with the exception of the secretary himself, there was no one on our force who could do this work. Mr. Nichols is experienced in this line and has done this kind of work for Anderson & Company, the publishers of the Annotated General Code, and has done a great deal of other work of this kind for a great many years. There are comparatively

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few men who can do this work. I presume in this Convention there are not over three or four of us who can do it. I do not know that I could do it now myself. There was a time when I had experience and would have been competent. Perhaps Mr. Tannehill and Mr. Lampson, and possibly one or two others, would be competent to do the work, but it is not a work that ordinary clerks can do. Now the committee has stricken out the name of Mr. Nichols and put in the name of Mr. Rebrassier. I think that Mr. Rebrassier is one of the clerks, and I do not want to make any invidious comparisons, but it is not saying anything against the gentleman to state he is not equal to this kind of a job. There are very few men who could do it. I am not at all concerned about the clerkships to assist the secretary. The names that I put in were the two women now in the office of the secretary. They know the work and certainly could do it, and then I put in Mr. Cartwright, who has been secretary to several of the committees. It is a question of how much help you want to give to the secretary. We are giving him a tremendous amount of work, and I doubt if there will be enough. Those of us who are here and have been here during sessions of the general assembly know the tremendous amount of work required to fix up this journal and properly index it. And to start to find anything without an index is just like looking for a needle in a haystack. This job that we are giving to the secretary is certainly not an easy job, and he should have enough help. Then the debates have to be indexed so that you can find your matter in there when it is wanted. At first blush no one can grasp the amount of work that we have left here, and I think we should certainly leave enough help.

The clerks that have been picked out are certainly competent. Mr. Morrison has had nine years and Mrs. Scriven has had three years of experience, and both are very competent and very obliging clerks. The two young women, Mrs. Scriven and Miss Kersting, have worked in the office this year and last year. Then I think the secretary ought to have at least one stenographer who is competent to do not only stenographic work but help in the next three months. I put in Miss Keller as a competent stenographer.

Mr. WINN: Are you amending this?

Mr. DOTY: No; the question is on agreeing with the report of the committee. I was setting forth for the benefit of the members of the Convention the difference between the original resolution and the report of the committee.

Mr. KRAMER: What are we going to do with a thousand volumes of this journal bound in buckram?

Mr. DOTY: Each member will get a copy.

Mr. KRAMER: That will be one hundred and nineteen. Suppose there are 800 left; what is going to be done with them?

Mr. DOTY: I don't know. Mr. Lampson introduced the resolution.

Mr. LAMPSON: They go to the different libraries. They are the official records of our proceedings. I think that number will be needed.

Mr. HALFHILL: What is the objection of having the resolution printed and having the regular copy here tomorrow morning so that we can look at it?

Mr. DOTY: None at all. I prefer to have the com-

mittee report not agreed upon until we have carefully considered it.

Mr. HALFHILL: Then make that motion.

Mr. DOTY: I move the resolution be printed as it would read if the report were adopted.

The motion was carried.

Mr. LAMPSON: I offer a resolution.

The resolution was read as follows:

Resolution No. 160:

Resolved, That the president is empowered and directed, after the adjournment of the Convention, to sign all vouchers for all authorized expenditures, services of officers and employes and necessary incidental expenses incurred after the adjournment of this Convention; and the auditor of state is requested to honor such vouchers and issue warrants for same on the state treasury.

On motion of Mr. Lampson the rules were suspended and the resolution was considered at once.

The question being "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 67, nays 11, as follows:

Those who voted in the affirmative are:

Antrim,	Harter, Huron,	Norris,
Beatty, Morrow,	Henderson,	Nye,
Beyer,	Hoffman,	Peck,
Brown, Highland,	Holtz,	Read,
Brown, Pike,	Hoskins,	Riley,
Collett,	Hursh,	Roehm,
Colton,	Johnson, Williams,	Rorick,
Cunningham,	Jones,	Shaffer,
Davio,	Kehoe,	Smith, Geauga,
Donahey,	Kerr,	Stalter,
Doty,	Kilpatrick,	Stevens,
Dwyer,	King,	Stilwell,
Earnhart,	Knight,	Tallman,
Elson,	Kunkel,	Tannehill,
Evans,	Lambert,	Tetlow,
Fackler,	Lampson,	Thomas,
FitzSimons,	Leete,	Wagner,
Fox,	Leslie,	Walker,
Hahn,	Longstreth,	Watson,
Halenkamp,	Miller, Crawford,	Winn,
Halfhill,	Miller, Fairfield,	Wise,
Harbarger,	Miller, Ottawa,	Mr. President.
Harris, Ashtabula,		

Those who voted in the negative are:

Brattain,	Farnsworth,	McClelland,
Cassidy,	Fluke,	Pettit,
Dunlap,	Kramer,	Solether.
Dunn,	Malin,	

So the resolution was adopted.

Mr. CASSIDY: I offer a resolution.

The resolution was read as follows:

Resolution No. 161:

Resolved, That the president and secretary be and they are hereby appointed as a special committee to audit, allow and order paid such bills as have not yet been paid or filed with the secretary and are proper charges against the Convention.

By unanimous consent the rules were suspended and the resolution was considered at once.

The resolution was adopted.

Mr. DOTY: I move to recess until nine o'clock in the morning.

The motion was carried and the Convention thereupon recessed until nine o'clock tomorrow morning.