

SEVENTEENTH DAY

MORNING SESSION.

THURSDAY, February 8, 1912.

The Convention met pursuant to adjournment, was called to order by the president and opened with prayer by Rev. S. S. Palmer, of Columbus, Ohio.

The journal of yesterday was read and approved.

Mr. DOTY: I move you, Mr. President, that we place order of business No. 5 at the head of the order of business for today.

Mr. LAMPSON: What is order of business No. 5?

Mr. DOTY: Resolutions laid over under Rule 96.

The motion was carried.

RESOLUTIONS LAID OVER.

The SECRETARY: Resolution No. 61—Mr. Davio, inviting Eugene V. Debs to address the Convention:

Resolved, That the president of this Convention extend to the Hon. Eugene V. Debs an invitation to address this Convention at his earliest convenience.

The resolution was lost.

The SECRETARY: Resolution No. 62—Mr. Winn, restricting the number of proposals to be adopted by the Convention:

WHEREAS, There are obvious advantages in permitting the voters as far as possible to render an independent judgment upon each proposed change in the constitution. Therefore,

Be it resolved, That the proposals adopted by this Convention be restricted to the subjects which correspond to the names of the seventeen standing committees as follows: Agriculture, Banks and Banking, Corporations other than Municipal, County and Township Organizations, Education, Elective Franchise, Good Roads, Initiative and Referendum, Judicial Reform, Labor, Legislative and Executive Departments, Liquor Traffic, Method of Amending the Constitution, Municipal Government, Public Works, Short Ballot, and Taxation.

Resolved, That if two or more proposals bearing upon any one subject be adopted by the Convention, that these proposals be submitted in a group under their proper title. And, further,

Be it resolved, That the committee on Submission and Address to the People be instructed, in pursuance of this plan, To prepare, in co-operation with the chairman of the various committees a pamphlet containing the text of each amendment proposed with a statement of the reason of the Convention in proposing each change and to report a plan of placing this pamphlet as far as practicable with all the voters of the state.

Mr. WINN: While this resolution by the first para-

graph seems to have in mind the limitation upon the number of proposals that may be introduced, that is not the thought in mind at all. Because you will observe that the committees we have to which any proposition may be committed is sufficient in number to cover almost any sort of proposal that comes into the minds of any of us. It was not that, but it was more with the view of beginning the work of the submission finally of our work to the people. The resolution perhaps is not just in the form it should be. It should be carefully considered by some committee, and I therefore move that the resolution be referred to the committee on Rules.

The motion was carried.

The SECRETARY: Resolution No. 64—Mr. Smith, of Hamilton, relative to deciding upon the manner in which the Convention will submit its work.

Resolved, by the Constitutional Convention of the state of Ohio, That before this Convention comes to that point in its proceedings where it is necessary to vote finally on any proposal, this Convention first decides upon the manner in which it will submit all its work to the people.

Mr SMITH, of Hamilton: Mr. President and Gentlemen of the Convention: My idea in introducing this resolution at this time was that it might be well before we decided finally to submit any proposal to a vote to decide first as to how our work as a whole is to be submitted for approval or rejection. It seems to some of us it might affect the way we vote on certain propositions as to whether we submit that proposition together with a lot of other propositions in a new instrument or submit it among propositions which will be submitted separately. I think this resolution should be amended to fix definitely the time we will decide this question. I intend to ask the Convention to refer this to the committee on Rules unless it decides otherwise. My own idea is that perhaps we could vote on the proposals on their merits. If it is a good proposal we can vote aye on it and if it is a bad proposal we can vote no on it, and then we might refer it to the committee on Phraseology and Arrangement. Then, before that committee reports on any of the various proposals referred, we should decide this great question, which, to my mind, is all important, How are we going to submit the work of this Convention to the people? Now, I move you, unless there is objection, that this resolution be referred to the committee on Rules, but I should like to call the attention of that committee to the fact that they must report back on it before any resolutions are acted upon; otherwise it is of no effect.

The motion was carried.

The SECRETARY: Resolution No. 66—Mr. Halfhill, is the next matter.

The resolution was read as follows:

Resolution Relative to Caucus Agreements.

WHEREAS, It is commonly reported that an effort is being made to get a portion of or a majority of the members of this Convention to go into a caucus or conference for the purpose of agreement upon certain matters now pending before the Convention and to abide by the result of such conference or caucus in their proceedings in the body on such matters.

WHEREAS, It is reported that efforts are being made to get members of this Convention to sign a pledge or written statement, whereby such signers agree to go into a caucus and to be bound by a majority vote of such caucus as to their future action and votes in this body on the matters to be considered by such caucus.

WHEREAS, It is reported that some members of this Convention, have already signed such a written statement and efforts are being made to get a majority of the members of this body to sign such a written statement; therefore,

Be it resolved, That it is the sense of this Convention that all matters pending in this body should be settled in the committees of this body or in open Convention, and that members of the body ought not to sign written statements agreeing to go into any conference or caucus and be bound in the Convention by the action of such caucus.

Mr. HARRIS, of Hamilton: I offer a substitute for that resolution.

The substitute was read as follows:

Strike out all after the word "Resolved" and substitute the following: "All the delegates to this Convention are at least twenty-one years old, notwithstanding that the actions of some of them would be justifiable grounds for a reasonable suspicion to the contrary. All of said delegates are citizens of the state of Ohio, and they are protected by the bill of rights in the constitution of the state of Ohio, which said bill of rights according to a dozen or more recent decisions of the supreme court of the United States has not yet been "recalled".

Said bill of rights enumerates in section 1 thereof, as one of the inalienable rights of men—

"The seeking and obtaining happiness and safety," and in section 3 thereof — "The right to assemble together, in a peaceable manner, to consult for their common good."

Therefore, be it further resolved, That it is the sense of this Convention that the self-constituted guardians of individual consciences and of the individual action of the members of this, the Fourth Constitutional Convention of Ohio, be and are hereby relieved immediately and perpetually of their self-imposed great burden.

Mr. PECK: I don't think anybody seriously expects that resolution to be adopted and I move that the whole subject of Resolution No. 66 and this substitute be indefinitely postponed.

Mr. WOODS: And on that I demand the yeas and nays.

Mr. LAMPSON: There are a number of gentlemen on the floor who desire to debate this proposition and this is debatable.

Mr. HALFHILL: Inasmuch as this resolution which I introduced last night is extraordinary, and inasmuch as there is some disposition to treat it as a matter of levity and of no concern, I demand the right as a matter of highest privilege of the Convention to speak to this resolution. Upon that statement of privilege I will read from the Cincinnati Enquirer of Wednesday, February 7, 1912; but information came to me from delegates and from other sources than the morning papers that a secret caucus was being engineered and created to consider vital subjects germane to the proceedings of this Convention, and this resolution making such charge and condemning such action is not altogether based upon the newspaper reports. The Enquirer report is as follows:

BIGELOW DROPS GAVEL TO CONDUCT PERSONAL FIGHT FOR INITIATIVE AND REFERENDUM.

Special Dispatch to The Enquirer.

Columbus, Ohio, February 6.—Alarmed at conditions, President Herbert Bigelow, of the Constitutional Convention, has surrendered his gavel temporarily to devote himself to the work of getting action upon the proposal for state-wide application of the initiative and referendum.

For the past two days he has not been in the chair of the Convention. Instead he has been closeted in his private office and has been sending for members of the body who are known to be supporters of the doctrine of which he is the foremost advocate.

These are being urged separately to agree upon a substitute proposal concerning the authorship, of which there is some dispute between him and Delegate Robert Crosser, of Cleveland, parent of the present municipal initiative and referendum law upon the statute books. These delegates have been told by President Bigelow that he is worried by the fact that there does not appear to be any progress being made by the proposals, although there is vastly in excess of a majority of members in the Convention who are regarded as committed to the principle.

FRIENDS ARE WORST FOES.

The objections, it has been found, do not proceed from those who are arrayed against the principle, but from those who are supposed to be friendly to it. The proposal which he has been urging upon the delegates whom he has seen in his private office provides for petitions of eight per cent for the initiation of legislation and five per cent for a referendum upon bills passed by the general assembly.

The working plan proposed by President Bigelow is the holding of a conference which will have the binding effect of a political caucus. Members with whom he has conferred have been asked to sign an agreement which in effect is a pledge to

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be bound by the decision of the majority of the friends of the principle.

The claim is made that there are 73 sure supporters of the principle, and if these are all secured there will be no difficulty in putting through a proposal. Some of the members, however, who believe thoroughly in safeguarding the new governmental plan have refrained from attaching their names to the paper.

The proposed conference will be held tomorrow morning at 9 o'clock if it is found that there is a sufficiency of support.

I also read from the Ohio State Journal of Wednesday, February 7, 1912, a news item of similar import:

STRONG ARM PLANS BEGUN BY BIGELOW — QUILTS POST AS PRESIDENT TO FORCE DELEGATES TO AGREE TO HIS I. AND R. IDEAS.

President Bigelow yesterday began the use of strong arm methods to secure adoption of the initiative and referendum clause, which he believes should be approved by the Constitutional Convention. Mr. Bigelow was away from his post, as he also was Monday evening, when he turned the duties over to E. W. Doty, of Cuyahoga, his right bower in the control of the Convention.

Yesterday he stationed himself in his office and singly began sending for delegates. Those who did not come willingly alone at first invitation were escorted to the committee rooms by Mr. Doty.

BACKS RADICAL PROPOSAL.

Persuasion of every sort was used in the attempt to insure their allegiance to the specific proposal which Mr. Bigelow thinks should be adopted. If he met resistance, the threat was made that meetings for the specific purpose of making back-fire in the delegates' home counties would be held.

This use of the presidential power aroused, in some quarters, not a little resentment. It was predicted last night that a formal move will be made to put an end to the extraordinary methods. The crux of the situation is that Mr. Bigelow and others are proposing a much more radical initiative and referendum than a majority of the Convention is inclined to support.

The Bigelow substitute to Mr. Crosser's I. and R. proposal takes away certain of the safeguards, which, it has been promised, should be placed in the proposition. It provides 50,000 may demand a referendum on a legislative enactment and 80,000 may initiate an act. It has been pointed out that a numerical basis must lower the percentages required with the increase of population. Then, too, adoption of woman's suffrage, with doubling of number of electors, would reduce the percentages to $2\frac{1}{2}$ and 4 per cent. On this account many members are opposing the substitute proposal.

DIFFERENCES OF OPINION.

The excuse under which the strong-arm methods are used is that the I. and R. is likely to be defeated because of differences of opinion among members, of whom it is said there are 80 who favor a well safeguarded proposal.

Without further burdening the Convention, to the same effect were the reports in the Cleveland Plain Dealer, Cleveland Leader, Toledo Blade, Cincinnati Commercial Tribune, and other great and responsible newspapers of the state of Ohio, newspapers that the citizens of Ohio read in the homes, in the shops, stores, factories, business offices and marts of trade, and daily rely upon for information concerning the work of this Convention.

Further, as I stated in the beginning, the resolution is not altogether founded upon these newspaper reports, although that might be enough to justify its introduction here, for we know the correspondents who wrote the articles, and they are honorable men and responsible under the rules of the Convention.

Surely we may trust the evidence of our own senses as far as we are able to observe, for the president has been absent from the chair during all of the current week, from time to time his messenger has appeared and escorted members out of the Convention and away from its deliberations, and for what purpose? Some of these delegates, in whose statements I have entire confidence, have refused the overtures of the president, have refused to sign any agreement, join any caucus or be bound by its decree; but it is not for me to give the names of such delegates unless they desire to publicly proclaim the fact. I submit that this plan which is proposed here, backed as it is said to be by the power and influence of the president of this Convention, is a question of the highest privilege and importance to this body as well as to the people of the state of Ohio; for I consider that the resolution challenges the serious attention of every delegate — "that all matters pending in this body should be settled in the committees of this body or in open Convention, and that members ought not to sign written statements agreeing to go into any conference or caucus and be bound in the Convention by the action of such caucus." Such are the words of the resolution.

If my information is correct upon which I predicate these charges — and certainly we will be advised to what extent, if any, I am in error — then the president by virtue of his activity and position may secure the agreement of sixty to enter a caucus and be bound by its decree, and sixty members constitute a majority of the Convention. Therefore if the president can, by virtue of his power, influence, or good standing with a majority, induce sixty members to come into such caucus, then thirty-one men will be able to write into the Constitution any proposal that it suits the man here, who, "clothed with a little brief authority," has power and force enough to bring such proposal out of the caucus and before the Convention. And there is the further danger in such method that it invites the application of like procedure to other subjects of material concern pending before this body.

Now I protest against such procedure, and I think I am right. I protest against it because we are sent here

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as the delegates from our respective counties to represent the state of Ohio, and we have a right to be informed of what goes on in this Convention. I came here not knowing many things that I hope to know and learn and have to know and learn before I can vote intelligently. How are we to know and learn then if important matters are determined in caucus, back of closed doors, and not discussed in open Convention where arguments and statements of fact may influence us and govern our reason and judgment? From that standpoint I object to such high-handed and unwarranted procedure.

I object to it further for the reason that it is contrary to the best accredited practices and thought that govern us in our deliberations in all political matters. You hear a great deal said about the power of the caucus, and you hear the political purists from the platform and through the pages of the magazines condemning party organizations because of the iniquities of the caucus. This is the first and the last of all things that to them are abhorrent; and there may be some truth in such charges, although I am a believer in party and party organization.

I believe under our form of government we can not get along intelligently and in consonance with the spirit of our institutions without political parties and party organizations to promulgate and advocate the principles for which they stand. I love to meet and to know the man of strong political convictions, and while I am a republican in matters of state and national politics, yet I have the greatest respect for members of the democratic party and only wish there were more of them of the old-fashioned kind. I have the greatest respect for the members of any political party, provided always that they are honest and that they respect and uphold our political institutions and believe in our form of government. In passing permit me to say amen to the sentiment of the prayer offered when we convened this morning—Lord deliver us from bigotry and intolerance of mind, from selfishness of purpose and action, and make us better and more patriotic American citizens.

The legislature of the state of Ohio, following out accredited public sentiment, has passed a corrupt practices act. Permit me to read a little from that law for your consideration. I call your attention to a portion of paragraphs 1 and 2 of section 27 and also to section 28, not that it would bind this body, but it should at least be an index finger to guide the actions of any member of this body be he ever so exalted or ever so humble:

Section 27. Any person or corporation who directly or indirectly:

1. Uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict, any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for or against any particular person or persons, or for or against any proposition submitted to the voters at such election * * *

2. By abduction, duress or any forcible or

fraudulent device or contrivance whatever impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces, or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election * * * is guilty of a corrupt practice.

Section 28. Any person, who, while holding a public office, or being nominated or seeking a nomination or appointment therefor, corruptly uses or promises to use, directly or indirectly, any official authority or influence possessed or anticipated, in the way of conferring upon any person, or in order to secure, or aid any person in securing any office or public employment, or any nomination, confirmation, promotion, or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited or of any other person, shall be given or used in behalf of any candidate, officer, or party, or upon any other corrupt conditions or considerations, is guilty of a corrupt practice.

Mr. FACKLER: Have you any evidence of anyone doing any of those things corruptly?

Mr. HALFHILL: I am putting up for your consideration and for the consideration of the membership certain things that the general assembly have said are corrupt.

Mr. FACKLER: When done corruptly?

Mr. HALFHILL: There is no statement that it should be done corruptly. There is no statement except that the thing be done. The law does not intend and could not intend to put in there the word "knowingly." The law simply says that the doing of those things is corrupt.

Mr. HOSKINS: I would like to know if the member has any evidence he can give to this Convention that any of the things enumerated in the act have been done, whether corruptly or incorruptly? Have any of these things been done? If so, we want the evidence.

Mr. HALFHILL: I can only answer the gentleman's inquiry by saying that I have entire faith in the information of the gentleman who wrote the articles on which I predicated my resolution, and to that faith I have the added statement of members of this body that they were invited into the room of the president and asked to subscribe in writing to some caucus plan whereby they would be bound to vote a certain way on a certain proposition. That is all my evidence. If I am wrong on that point I hope I will be corrected.

Mr. PECK: Will the gentleman point to that portion of the section he is reading which prohibits members from peaceably assembling and holding a caucus, if they choose to do so, or from pledging themselves to any line of action?

Mr. HALFHILL: I will answer that in this way. I did not read this expecting it to apply literally to this body or to the president of this Convention.

Mr. PECK: Then why read it?

Mr. HALFHILL: The spirit of this law is manifest, and if I did not make myself plain on that question I will endeavor to do so. I say I simply read it for the

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purpose of showing upon what the legislature of the state of Ohio had put its stamp of disapproval and one of these is the wrongful use of "official authority or influence."

Mr. PECK: You are too good a lawyer not to know that that has nothing to do with this matter.

Mr. HALFHILL: I agree with the gentleman that it has not from a strictly legal standpoint anything to do with it and I do not urge it as having, but I have something here that I will read and ask any gentleman here if it has anything to do with it. I will read from the journal of this body and from a speech by the president of this body and then inquire whether or not that has anything to do with the matter in hand.

The question before the Convention referred to in the journal was the method of appointing or selecting the standing committees of this body, a motion having been introduced by the gentleman from Auglaize [Mr. HOSKINS] to confer this power on the president, and a substitute was introduced by the gentleman from Ashtabula [Mr. LAMPSON] providing that a committee on committees, consisting of one member from each congressional district, should discharge this function of selecting the standing committees. I read from page 4 of the journal of January 10, 1912, and this speech of the president you will recall was made late in the afternoon of that day and after long debate and discussion. He appealed to us to give him "the power to appoint these committees" and assured us that "the power that has come into our hands will not be used unfairly." The president appealed to us and put us upon our high sense of regard for him personally and he put us upon a high plane of honor, while we accepted his proposition in the same spirit in which we believed it was made.

That portion of the president's speech to us on this occasion, to which I direct attention is as follows:

Give me the power to appoint these committees and this will be done. I will forget the roll calls of yesterday. I will remember no parties. I will destroy absolutely the distrust that threatens to destroy us. I will use this power to restore and establish confidence and good will.

I do not desire this power save as it gives me the opportunity to perform this great and indispensable service. I want to show you that there are no grounds for these suspicions that the lobby has fostered. I want to wipe out our differences now before they get the best of us. I want to put an end to all this bitterness right at the start so that we may begin our work as friends, saying and believing the best things of each other.

I am the one man who can prove that the power that has come into our hands will not be used unfairly. If you had believed in my desire to bring all elements together you would not have made the effort that is now being made to pass this substitute resolution. If you do not give me this power then I will have no opportunity to prove my good faith.

And the resolution was withdrawn and the privilege given to the president of the Convention and he appointed his committees. The work of the Convention

has proceeded and the work of the committees has proceeded, but is the creation of this caucus a fair use of power which the president said he would not use "unfairly"? The rules provide for standing committees and not for a caucus to consider questions and report to the Convention.

Now I do not claim to understand everything about the question of the initiative and referendum, and I would like to have the matter discussed in the committee and on the floor of the Convention, and I would not like to know when we enter upon the discussion of the question that there was a majority of the Convention bound and pledged to vote a certain way no matter what facts were introduced and made apparent or what appeals to reason or judgment were made. And the danger applies not only to that proposition, but to any other proposition before this Convention. That is the purpose of my resolution, and I want it distinctly understood that I disclaim anything personal. I have no personal interest in it. I did not expect any chairmanship and I was not disappointed. "Blessed is he that wants nothing and expects nothing for he shall not be disappointed."

Mr. ANDERSON: Does the gentleman mean to state that it is his belief, gathered from the newspaper reports or otherwise, that there was an attempt made to have an agreement or contract entered into by each of those signing the agreement to a certain definite course of action and not in any way to be changed from it by anything said or done when the proposition was before the Convention?

Mr. HALFHILL: That is my information, and I feel just the same way here as if I were serving on a jury and the judge had taken part of the panel aside and told them to find a certain way. I would thus be deprived to a large extent of any right or privilege of helping reach the conclusion that ought to be reached. In fact the whole theory of it and the system of it would be and is wrong.

Let us not delude ourselves. There are quite a number of delegates here who, every time a resolution is introduced for the purpose of facilitating the work of the Convention, are immediately afraid that somebody with a strong personal following has something slumbering in the resolution in which he is particularly interested, and that the adoption of it may shut out the consideration of something that may be dear to some other member of the Convention. I think we can observe that sentiment here every time a resolution of that nature comes up for consideration. All I want to say as a member of this Convention, in a parliamentary way and without any personal feeling of any kind—and I want that to be especially understood, both by the president and every member—is that I object to either the secret or the open caucus as a method of dealing with the initiative and referendum or any other subject to be considered by this Convention, and I protest against such action as being an unfair and unwarranted use of power.

Mr. LAMPSON: May I inquire if the gentleman is a member of the committee on Initiative and Referendum?

Mr. HALFHILL: Yes, sir.

Mr. LAMPSON: How many opportunities have you thus far to meet with the committee?

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Mr. HALFHILL: I have met twice with the committee and I think there have been three meetings. It was my own fault that I did not look up the meeting I missed. We met last night, but altogether we have had very little discussion of that important question.

Mr. LAMPSON: I am a member of the committee and I was not at the meeting last night. Was the meeting last night posted on the billboard?

Mr. HALFHILL: I do not know as to that. I met the chairman of the committee and asked him about it and got the information from him.

Mr. LAMPSON: I was just asking for information. I am a member of the committee and have only met with it once.

Mr. CROSSER: Last night's meeting was posted about three o'clock yesterday afternoon.

Mr. LAMPSON: Then it was my fault that I did not see it. I was out last evening. I attended the governor's reception.

Mr. CROSSER: That was not my fault.

Mr. LAMPSON: I am not criticising you. I have been very busy as have the gentlemen. I was wondering if the committee meeting had been clandestine to the extent reported and that some of us had not been invited.

Mr. HALFHILL: I do not think any part of my resolution means that there was any clandestine meeting of any standing committee of this Convention.

Mr. HARRIS, of Hamilton: The gentleman's resolution reminds me of something that was written by Shakespeare, "Much Ado About Nothing."

Mr. HALFHILL: Does the gentleman mean that my resolution and the substance of it is nothing?

Mr. HARRIS, of Hamilton: I do.

Mr. HALFHILL: I want it understood that to me it is a great deal, and I think that to the Convention it is a matter of supreme importance.

Mr. HARRIS, of Hamilton: I hope the substitute resolution will be adopted by the Convention without a change of a word, so that in the words of that delightful opera called "The Mikado" we can "make the punishment fit the crime." Let my amended resolution go down to posterity with the authorship of the member from Allen.

What has been done to justify that resolution or the talk upon it? It is notorious that probably eighty members of this Convention came to the Convention with strict instruction from their constituents to embody in the constitution in a workable shape the principle of the initiative and referendum.

There are many points of view on the initiative and referendum. I venture to say that out of the eighty members who have been so instructed, there are at least fifty different points of view as to percentages. Now what will be the practical result? A small minority, compact, well organized and shrewd, will kill any proposition that is offered unless there is an equally compact, earnest and sincere majority who have already agreed upon some measure that in their judgment represents a compromised rule.

Mr. ANDERSON: Do you think it is right for a majority before there is any discussion on the floor of the Convention to enter into an agreement, written and signed in definite terms, that a certain course of action

will be pursued and certain votes given, no matter what light they may receive from a majority on the floor of the Convention?

Mr. HARRIS, of Hamilton: I do not.

Mr. ANDERSON: Is not that the only thing complained of?

Mr. HARRIS, of Hamilton: It is not. The gentleman from Mahoning [Mr. ANDERSON] unfortunately misunderstands the agreement. Has the gentleman from Mahoning read the agreement?

Mr. ANDERSON: Can I answer that question, Mr. President?

The PRESIDENT: Of course, with the consent of the gentleman.

Mr. ANDERSON: Have I the consent of the president to answer the question?

The PRESIDENT: Yes.

Mr. ANDERSON: I have read it.

Mr. LAMPSON: Does the gentleman from Hamilton [Mr. HARRIS] concede that there is an agreement?

Mr. HARRIS, of Hamilton: I do. The gentleman from Mahoning [Mr. ANDERSON] has thoroughly misunderstood the spirit of the agreement.

Mr. HARRIS, of Ashtabula: Is the gentleman still of the opinion that we are all over twenty-one years of age?

Mr. HARRIS, of Hamilton: Judging from some of the questions that have been asked I question whether you are all over twenty-one years of age. In fact, I would say that some are in their swaddling clothes.

Mr. WORTHINGTON: Is the gentleman from Hamilton [Mr. HARRIS] willing to read the agreement so that we can all know what it is?

Mr. HARRIS, of Hamilton: If the gentleman from Hamilton [Mr. WORTHINGTON] will furnish me a copy I will read it. I have not any copy.

Mr. WORTHINGTON: You mean by "the gentleman from Hamilton" your colleague in the chair, not myself, I suppose?

Mr. HARRIS, of Hamilton: No; I mean you.

Mr. WORTHINGTON: I have no copy of it.

Mr. HARRIS, of Hamilton: This majority simply propose to come together and try to reach an agreement amongst themselves, the friends of the initiative and referendum.

Mr. EBY: You have stated that there are eighty members of this Convention who believe in some phase of the initiative and referendum?

Mr. HARRIS, of Hamilton: I said about eighty.

Mr. EBY: Well, about eighty. Why was not an invitation extended to all of the eighty? Why were some ignored and why when some asked for an invitation were they not invited?

Mr. HARRIS, of Hamilton: Not being a mind reader, I can not answer.

Mr. LAMPSON: Why were not the whole one hundred and nineteen members of the Convention taken into conference with its president?

Mr. HARRIS, of Hamilton: The president is best capable of answering that question himself.

Mr. WINN: Is the member from Hamilton [Mr. HARRIS] past twenty-one?

Address of Governor Harmon.

Mr. HARRIS, of Hamilton: I will not answer that question.

Mr. STOKES: I move that we recess until 1:30 o'clock p. m. in honor of Governor Judson Harmon, who has been invited to address us.

The motion was carried.

Governor Harmon was conducted to the president's chair, was presented to the members of the Convention and delivered the following address:

Gentlemen of the Convention:

I acknowledge as a compliment the invitation to address you, but take it as chiefly a request for my views on the important work in hand. I gladly put these at your service for whatever value they may have, though I am quite aware that on some subjects I shall touch the region of dispute which is not always free from acrimony. To the latter, at least, I shall contribute nothing, because my wish is to help, if I can, to sound conclusions.

When I was elected for the very short term of two years, with scant prospects for another, as was generally thought, I set about the practical reforms so urgently needed, and these have so fully occupied my time and attention ever since that I was not prone to seek opportunities for stating my opinions on other subjects. But when occasion arose I have never failed to state them frankly, as I shall do now.

The purpose of a constitution is to establish a government and mark out its general scope and design, as in this country it must be of the republican form, the authority to be exercised must be defined and limited, and provision be made for the selection of the officers who are to be entrusted with it. And that "the consent of the governed," which is the sole basis of such government, may be secured, the people themselves select the persons who are to draft the instrument to be submitted for their acceptance.

When the proposed government is to displace a like one of which the people have had full opportunity to judge by experience, it would be most unwise for its framers not to adopt, at the start, the features which have been found satisfactory and not, by changes in these, risk the rejection of their work.

Under each of the three successive governments we have had in Ohio her citizens have enjoyed, in very large measure, the benefits the founders had in view. During the sixty years the present government has existed we have successfully met all conditions of peace and war, prosperity and adversity, and seen Ohio become one of the great commonwealths of the world. As my experience with our present constitution increases the better I like its general design and principal features. And I am certain we should all be glad to be assured that no less proud a record will be made under the new government, if your proposals meet with favor.

I hope yours will be a true constitution, like the one we have so long enjoyed, laying down concisely the fundamental law and leaving lighter matters to legislation. This will secure a clearer understanding of your proposals and make their approval more likely, because many would object to statutes masquerading as constitutional provisions not subject to the ordinary methods of amendment and repeal. For one essential of a con-

stitution is stability through precautions against hasty and ill-considered changes.

But the statesmen and people of the past were not vain or unwise enough to believe that no improvement would ever become necessary or advisable in the governments they set up. The first was territorial and therefore temporary by nature. The second provided for amendment at any time after four years of operation. The last not only permitted amendments at any time, but required the submission to the people every twenty years of the question whether there should be a convention for general revision, alteration or amendment.

It would be folly to ignore the fact that the only time the people said "yes" to this question they rejected by an overwhelming majority the proposal of the convention, though its membership ranked very high. Too many changes were made which were not only unnecessary, but worse, because they would have introduced uncertainty where numerous decisions and long practice had brought certainty. One of the chief virtues of the people of Ohio has always been that the great majority of them have little patience either with those who get the change fever or with those who have the let-everything-alone chill.

We can enjoy and suffer only as individuals, not in the mass. So what citizens do collectively must always be judged by the effect on them separately. Freedom as a nation means nothing except insofar as it secures the people severally from arbitrary interference with their wishes. Liberty is only an abstraction until it reaches individual persons in their daily life.

But government, however its authority is derived, necessarily interferes with personal liberty to some extent, both as to conduct and as to property. Certain things it forbids and punishes. And it has to levy on the property of citizens the entire expense of its operations. But what distinguishes a free country from others is that there are some rights of citizens with which the government may not interfere at all or only under specified safeguards; its functions are carefully limited and defined; and its power to tax is restricted. And it is the office of a constitution to do all these things.

But citizens would find slight protection in them without the aid of courts to enforce these guarantees and limitations in particular instances as they arise. So a strong and independent judiciary is one of the most distinctive marks of a government created to secure "liberty throughout the land, to all the inhabitants thereof."

The present bill of rights as a whole is excellent, but some undue advantages against the state are given to persons charged with crime. These had their origin when governments were less restricted in power and authority and the accused was denied most of the means of defense he now enjoys. With the great changes on both sides of the case which go to his benefit the state finds itself too heavily handicapped in enforcing the laws.

Under our changed conditions there is no reason why depositions should not be taken for the prosecution as well as for the defense, when the presence of witness at the trial cannot be secured, as is very often the case through accident or design; nor why the accused should

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not stand retrial when he has been acquitted through misconduct or error in his behalf, for which the verdict is set aside. And justice should be set free, on all sides, from the grasp of overstrained technicality.

The existing limitations of state indebtedness should not be changed except with respect to building a system of good roads. The need of this is great and the cost too heavy to be borne by present taxation. The improvement is permanent and its benefits are not confined to those who make it. So the expense may well be spread over a period of years by issuing bonds under a careful limit of amount, with proper provision for a sinking fund. It was with great regret that I felt bound to disapprove the good roads bill passed last year, because the large levy it made would have defeated the plans for tax reforms then under way, whose full success is now assured by the results of the first experience under them.

Subject to strict limitation of the power to tax and incur indebtedness, as well as to the prohibition of lending their credit or otherwise engaging in any but strictly public enterprises, I think cities and villages should be left free to select their own form of government and manage their own local affairs.

The board of public works should be abolished and replaced by an agency to be created by the general assembly and subject to its control.

I always keep an open mind for all proposals to make our government more efficient, economical and responsive to public needs. And I believe that within the safeguards of personal rights and the other limitations they themselves impose by a constitution prepared and adopted with deliberate care, the people's will is the supreme law which it should be made as easy as possible to declare and enforce.

But I am not convinced that the initiative and referendum, applied generally to subjects of legislation, would be an improvement on our system of government by representatives, which, while it has shortcomings like all human institutions, I do not believe has proved a failure.

These shortcomings are doubtless the chief cause of the continued advocacy of direct legislation, and if it could be confined to their correction or prevention there would be less ground for doubt about the desirability of it. But it seems to be conceded that such limitation is not practicable.

The measure is confessedly an experiment, and as several states have recently undertaken it, my attitude is like that of "the man from Missouri." I have always found it wiser to profit by the experience of others, in matters of doubt, when I could, rather than by my own. And no one can justly claim that this new departure in government has yet passed the experimental stage in other states, while, even if it had, none of them has so large or so diversified a population as Ohio, or such a great variety of interests.

A somewhat wide experience, as well as observation, has taught me that government, in all its branches, is a complicated and difficult business which requires careful study and close attention, besides the consideration of many things in the doing of each one. And my doubt is whether these essentials can or would be supplied by a large, busy and widely separated body of

electors acting directly in matters of general legislation.

It is a safe rule to judge others by one's self, and I gravely question whether, as a private citizen immersed in business and personal affairs, I should be able, however willing, to devote to a proposed measure, unless it were a very simple one involving no details, the study of its own provisions and of their effect on other laws or subjects, which is required to qualify one to take part in the important work of legislating for a great commonwealth. My action would lack the sanction of an oath to perform my duty to the best of my ability. I am certain I would not and could not give it the care and attention I now give to my part in the making of our laws. And I do not see how merely multiplying the number of private citizens in the like situation, without opportunity for conference or discussion with each other, could better the result.

I believe the work of legislation can be properly done only by bodies small enough for each member to get the advantage of conference, debate and deliberation, with the concurrence of both required and absolute rules to prevent hasty action by either, as well as final approval by another and independent factor in the proceedings. This is one of the main features which made our government "a broad and liberal democracy," but "compatible with ingrained respect for parliamentary methods and constitutional checks," as it has been well described.

Of course, if these agencies all prove incapable or corrupt, if for any reason they betray the confidence reposed in them by the people and fall under the control of special interests which seek advantages contrary to common right and injurious to the public, then the plan will miscarry. And this seems to have happened with alarming frequency in some of the states. But whatever the case may be or may have been elsewhere, Ohio has furnished no such example, even before the executive was given a voice in the making of her laws. I do not mean that we have had no bad legislation and no unworthy representatives; but these have been too rare to discredit the magnificent history of more than a hundred years. Our citizens have never enforced higher standards in the public service than they are doing now. So some other reason must be found to justify a change in our system which would throw off the checks and precautions against hasty and unwise legislation, which have been so carefully provided, and make the stump the seat of legislation.

However, I believe that, in actual practice, this change would not fully justify either the fears of its opponents or the hopes of its advocates. If it will work well anywhere it ought to do so in our municipalities. So, to add to discussion of it the argument of a test by our own citizens, I approved a bill at the last session to authorize it in them, though I am told it has not yet been resorted to anywhere.

For myself, I think we should await the result of a fair trial in our cities and villages before making state wide the operation of so radical a change in our methods. But if the Convention should decide to submit the question to the people, as I understand many members wish to do, it should be done separately. The provision should be guarded so as to prevent its being lightly invoked. The very heavy expense of special elections should be

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avoided, except in cases of unusually widespread and general demand. And, in view of its experimental character, resubmission to the people should be provided for, at the end of a reasonable period, without the formalities and delay generally required for amendments of the constitution.

Contention about methods of dealing with the liquor traffic has long disturbed the state and seriously interfered with the conduct of its government. Certainly no one will say our experience under the provisions of our present constitution has been a happy one. But I think that, in the judgment of those who take a practical view of the matter, it has been shown that it is one for the application of the generally wholesome principle of local self-government. I believe the majority of the people of the state favor this method, because they have become familiar with it and have found how difficult it is to enforce a law prohibiting the traffic in any community where popular feeling is arrayed against it.

Such a law is hard to enforce in any case, because in sales of liquor seller and buyer are both parties to them, so there is no unwilling victim to invoke the law, as in ordinary cases, and evidence is difficult to secure. But when the voters of a community, by lawful authority, forbid the traffic, public sentiment there will back their decision as nothing else can do.

In localities where the voters permit the traffic, the question arises, shall it be free to all who choose to engage in it and be conducted as they please, or shall there be restriction and regulation?

Surely the wise course is to confine it to proper persons and subject it to careful regulation, as in other cases of occupations which involve danger or are liable to abuse. Yet thus far we have had free trade in intoxicating liquors in localities which have permitted their sale, because the constitution forbids the granting of licenses, which is taken to mean to individuals, because the right of communities to permit the traffic generally has been upheld. Yet only by requiring the particular persons who wish to engage in it to comply with certain conditions can the desired restriction and regulation be secured.

I know the word "license" is obnoxious to many good citizens, because they think it means permission which implies approval of the traffic and they are opposed to both. But under the local plan the permission comes from the people of the community, when it comes at all. Some of them may approve the traffic while others merely prefer to have it in the open rather than risk the notorious evils of secret dealing.

At any rate the home rule principle takes away from "license" the elements of permission and approval, to which objection is made, and leaves only that of regulation, to which there is and can be none.

Taxing the business has simply been license under another name and without the regulation which is the useful feature of license. And raising the tax from time to time has neither curtailed the traffic nor diminished its evils. On the contrary it has tended to make these worse by the temptation to improper practices in order to meet the higher charge.

As it stands, the state really licenses everybody who pays the tax, in localities where the traffic is permitted, no matter what his character or past career, without the

right of revocation for any cause whatever, which is the best security against abuse.

Letting the consent of the voters to the carrying on of the traffic in their midst and the payment of the tax operate as a permit to all persons is certainly a worse course than to require each one to take out a special permit with qualifications and conditions before he can engage in the business. And it must be plain to those who look the actual situation in the face that the choice lies between these two courses.

It ought to be settled, one way or the other, by a provision of the constitution, so as to clear the way for the proper consideration by the general assembly of other things. To that end, I think the question should be separately submitted to the people, as was done when the present constitution was adopted, whether license shall or shall not be required as a condition to engaging in the traffic in localities where it is allowed.

I express these opinions with some diffidence, because many of you are men of great learning, experience and wisdom and to the judgment of some of you I have long paid respect and deference.

AFTERNOON SESSION.

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

Mr. HARRIS, of Hamilton: Mr. President: Continuing the discussion, I want to say that we propose to discuss the initiative and referendum in all its phases, and we shall try to arrive at a practical working proposition which, in our judgment, represents the spirit of those who sent us here and to whom we are justly responsible. Whatever discussion is had on the floor that will enlighten us, we will certainly take advantage of.

There is no secrecy, there is no scheme to prevent a full discussion. We welcome it. But we are determined, if it lies in our power, to present to this Convention a workable proposition which will be supported, and must be supported in order to carry, by a majority of the Convention.

Now it occurs to us that we have a right to go into consultation even though we fail to ask the enemies of the proposition to disturb our private conversation. That is the sum and substance of the whole proposition. We do not want the practical working operation of the measure destroyed by this compact, shrewd and resourceful minority, who are not interested in the principle save to defeat it. We do not intend, if we can help it, to allow those who are strongly opposed to any proposition embodying the principle of the initiative and referendum to defeat the measure by introducing various amendments which they know might appeal to any of the seventy delegates who are in favor of the principle, but which one of that seventy might not be in harmony with. We do not propose to let them divide our forces if we can help it.

So there is no concealment of plans and there is nothing wrong in morals, and we must have a majority of this Convention to carry it through. So, from our point of view, we are proceeding along proper lines and the only sane lines to prevent this thing dragging out one, two, three, or four months.

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The freest possible discussion will be allowed on the floor. We could not prevent it if we would, and we would not if we could. Whatever enlightenment we can get, even from our enemies, we are perfectly willing to take on the floor. But we reserve the right not to take our enemies into our councils. And if that is treason, gentlemen, make the most of it.

Mr. NORRIS: May I ask the gentleman who are your enemies? Whom do you designate as your enemies? I did not know that this was a place where there were any enemies.

Mr. HARRIS, of Hamilton: I will accept the correction and will say those who are opposed to the principle of the initiative and referendum.

Mr. BOWDLE: I have listened with a good deal of interest to the speech of the gentleman from Allen [Mr. HALFHILL]. He makes a great many charges against an unknown body of men who are supposed to have signed a document and then he closes his speech with a kind of euphemism—that is, he tells us he does not pretend to make any kind of real personal criticism. In other words, in his address it is stated to us in the conclusion, as not meaning anything. Of course, if the charges he makes are good, then the charges do impinge the moral character of those who may have gone into that alleged caucus.

Mr. HALFHILL: I came in a little late, and I do not know that I thoroughly understood. Do you say that I made no charge in the matter?

Mr. BOWDLE: No; there is a way in polite life, and it is needless to say you have followed the usual policy, of making charges and then concluding that you did not mean anything uncomplimentary.

Mr. HALFHILL: I said I meant nothing personal. It was a high matter of privilege to the Convention.

Mr. BOWDLE: It is the same thing. He meant nothing personal. I do not know what the distinction is. I am supposed to meet the distinction as he does, but I am not able to do it. If these charges are so, they do impinge certain persons. I do not mean to say that offensively, but it seemed to me, as he proceeded with his speech, that after all human life is nothing more or less than an assemblage of caucuses. In the morning, before going to my office, seated about the breakfast table with my family, we hold a caucus on various pecuniary matters, and sometimes the schemes we devise there are not entirely to the best interest of the commonwealth. When I get to the office I sometimes hold caucuses with my partner about some business we have, and schemes we devise at that caucus are not always for the good of the commonwealth. In the democratic party, of which I am a member, we often hold caucuses, and the caucuses are not always to the entire good of all humanity.

I am very much interested in caucuses of every kind and sort. It seems to me, as I look at life, that government itself has reduced itself to merely a play and interplay of caucuses. Even heaven itself is but a great caucus against hell. And as I look at the election returns sometimes I am disposed to believe that the caucus Satan has gotten up in this world is winning.

But after all, believing as I do in the philosophy of Hagel, I am disposed to believe the angelic caucus of

heaven will win against the caucus of perdition. I am therefore absolutely in favor of caucusing.

In pecuniary life success is the result of all sorts of caucuses. A trust, whether the Steel Trust or the Standard Oil Trust, is simply a caucus, and I expect so long as I live to go into all sorts of human caucuses. Before I came from Cincinnati we had several caucuses. The wets asked me to caucus with them, and I proceeded to caucus. Several drys asked me to caucus with them, and in a little homeopathic way I had a caucus with the drys. The suffragettes of Cincinnati asked me to caucus with them, and I declined, and I got three or four thousand more votes because I kept out of that caucus. So I am here as a result of all sorts of human caucuses, and yet I am not so bound by those caucuses that I can not get some light from you who have had experience in other caucuses.

Mr. EBY: In that dry caucus did you sign an iron-clad agreement?

Mr. BOWDLE: No, sir.

Mr. EBY: You did sign an iron-clad agreement in this caucus to which this resolution pertains?

Mr. BOWDLE: Yes, sir.

Mr. EBY: You respect this then more than the homeopathic caucuses you attended?

Mr. LAMPSON: Is it the custom in all these various caucuses which you are in the habit of attending to put chains upon all those who participate, if you are in the majority?

Mr. BOWDLE: No; and I regard those as chained who have been unfortunate enough to sign up. In a number of caucuses I have attended I have signed up and I have just been a little particular to keep my signed-up copies. I try to keep copies.

Mr. MARRIOTT: With all due respect to the gentleman when he states he has signed up on some other of these, may I ask him if he has signed up on this?

Mr. BOWDLE: Yes; and I am happy to answer that with the utmost frankness.

Mr. MARRIOTT: And you kept copies?

Mr. BOWDLE: Not of this one.

Mr. MARRIOTT: I was just going to ask you if you would enlighten us by reading the agreement.

Mr. BOWDLE: I came here fully believing in the principle of the initiative and referendum and in order that there might not be any mistake I signed up; and I am here bound by that agreement.

Mr. WORTHINGTON: Have you a copy of the agreement signed in Cincinnati just before you came here. If so, will you please read it?

Mr. BOWDLE: I think I have a copy of that with my papers, and if it will enlighten the house I shall endeavor to find it. I know that all who were elected were involved in the same signing. I don't know the exact terms, but I know what I signed committed me irretrievably to the initiative and referendum, and I was very happy to be committed to so enlightened a scheme of human government.

Mr. WORTHINGTON: Did that document which you signed commit you simply to the initiative and referendum or to certain percentages?

Mr. BOWDLE: That document was signed some months ago and I think it committed us to the initiative and referendum in a workable form. It did not com-

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mit us to certain percentages. I think that is right, and I will call upon some other members of our delegation for information if I am in error.

Mr. LAMPSON: Do you feel certain that you can not hear anything that might change your opinion?

Mr. BOWDLE: It is possible so brilliant a speech may emanate from you that my celebration would be completely overthrown and I carried away.

Mr. LAMPSON: And would it not be fair for me to have a chance to convince you?

Mr. BOWDLE: I want you to.

Mr. LAMPSON: How can I have a chance if you have already signed up?

Mr. BOWDLE: That is an interesting question in physiology that we might make a special order of business for tomorrow.

Mr. LAMPSON: But this is a special order of business right now.

Mr. BOWDLE: Then I say I can not answer.

Mr. LAMPSON: I expected that reply.

Mr. BOWDLE: Now we have had a great discussion over the matter of the jury caucusing, and we have fixed it so that nine men can caucus and render a verdict on all ordinary matters. So, as I say, the whole of human life is but an assembling of all sorts of caucuses.

Mr. LAMPSON: But, may I inject another inquiry? Does the gentleman expect that the nine men will sign a pledge to render a certain kind of verdict before they have heard the evidence?

Mr. BOWDLE: No; and I am glad you put the question on that matter. I mean to say that all the literature on the subject of the initiative and referendum is made, and, with as much respect as I have for the members of this great caucus, I mean to say that not one ray of light will be thrown on that great question. We have all read the literature, and after reading a vast number of special articles written by men who are skilled in public affairs and who wield pens of vast power and command, I came here not expecting to learn anything on the initiative and referendum. With all due respect to all of you, I do not think there is a man in the house who can tell us or civilization another new thing on that subject.

The PRESIDENT: The president will call the vice president to the chair.

The vice president took the chair.

Several members demanded recognition.

The VICE PRESIDENT: The vice president was called to the chair evidently for the purpose of giving the president an opportunity to speak, and the floor belongs to the president if he wants it.

Mr. BIGELOW: Members of the Convention: The occasion this afternoon reminds me very much of the occasion on the second day of our session, when we were debating the method of appointing committees. Now the attitude of many of the delegates on that occasion was one of suspicion of me and my motives and doubt as to the possibility, in view of the fact that I am so irrevocably committed to the principle of the initiative and referendum—doubt as to the possibility of my being fair. I asked you on that occasion to give me a chance to prove my fairness, and you gave me that chance, and I appointed the committees. May I ask

you now what has occurred from that day to this—save the reports in certain newspapers that have been read here—what has occurred from that day to this to cause you now, any of you, to revive in your minds those suspicions and to again begin to doubt my sincerity and my ability to be fair and honest to every man here?

You have been discussing a certain alleged agreement that the newspapers have said has been signed by certain members of this Convention. What that agreement is and who has signed that agreement are matters that lie buried in the secrecy of my heart; for no delegate is going to be taught to fear to come into my room and to talk over with me any private matter because of the possibility that, the next day, such conversation will be publicly reported on the floor of this Convention.

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

The VICE PRESIDENT: The chair would like to say that in all parliamentary bodies where the president takes the floor on a question of personal privilege or anything pertaining to it, he should not be interrupted until he takes his seat and then you can put the question.

Mr. HALFHILL: I thought the president might waive the courtesy.

Mr. BIGELOW: Mr. President: To proceed. At this time, without betraying any confidence that I feel binds me in this matter, I wish to state in a general way what, so far as I am concerned, it is proposed to do.

Gentlemen have spoken as though it were our duty—as though it were my duty, for instance—to come into the debates in this Convention on the subject of the initiative and referendum and maintain an absolutely open mind, as twelve men on a jury are bound to do. I do not so recognize my duty. For me, there is no open mind on the subject of the initiative and referendum. I have not been sent here to debate this question. I have been sent here with the high commission to get the initiative and referendum in the constitution, if that is possible, and I will listen to no discussion with an open mind which leads to the question as to whether or not I shall keep faith with the people who sent me here.

Now the question as to whether I vote for the initiative and referendum in some form is not a debatable question. My mind is absolutely closed on that, for I am under solemn obligation to the people of my county to vote for it. There are gentlemen here whose minds are open, because they are not so bound by any campaign pledges or promises to their people; and it is quite proper for such gentlemen to sit here and listen to the discussion that will be carried on, no doubt, by the member from Ashtabula county [Mr. LAMPSON] and the member from Allen county [Mr. HALFHILL]. And these gentlemen, having weighed the arguments, will determine what they will do. But there are over one-half of the members of this Convention who have no moral right to an open mind on that question because they are already under solemn promises to the people of their counties that in some form or other they will vote for the initiative and referendum.

Now the only question on which I have an open mind is as to what form the initiative and referendum shall take. As to that question, so far as I know, there are no two men in this Convention at this moment who can

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say that they agree as to all of the details. My friend, the chairman of the committee on Initiative and Referendum, is as good an initiative and referendum man as I am, and yet we do not agree as to many of the provisions of the initiative and referendum amendment.

I sat during the deliberations of the committee on the Initiative and Referendum last night, and it was evident there that there is no agreement and no understanding between the members of that committee, even those who may be characterized as the best friends of the principle. We are all at sea ourselves as to what form this shall take.

Now, it is my purpose, and in that purpose I have the consent of far more than a majority of the members of this Convention, beginning next week and as long as necessary, to hold conferences for the purpose of considering some initiative and referendum proposition that shall in some way strike a happy medium between the extremes, and shall meet the approval of a majority of the delegates. Now, no matter what anybody may say to the contrary—I may betray, if it is a betrayal of confidence—I may to this extent betray the confidence that binds me with certain members of the Convention and say this, that nothing has been signed by any member of this Convention that binds him in violation of his conscience to do anything that he does not think best, after he comes out of any conference that may be held. There is, of course, a gentlemen's agreement, as there is bound to be in any such conference. When men go into a conference they go into it in good faith and for the purpose of trying to agree, if possible, and all we are going to try to do is, if the conference can agree, not as to the initiative and referendum itself as a principle but as to the form, that then we will come out on the floor of this Convention and try to have that form adopted.

Now, what do we mean when we say if the conference agrees?

Do we mean, as the gentleman from Allen county [Mr. HALFHILL] suggested this morning, that if there are sixty members of the conference and thirty-one of them get together and form a clique within that conference and agree as to the form, that they will by virtue of that majority of one put it through, and by force of certain alleged pledges bind the rest to come in here and vote unwillingly for that form? If the gentleman from Allen [Mr. HALFHILL] thinks that is so, he is mistaken.

I have tried to make it plain to every friend who has gone into the agreement that the purpose of the agreement shall be an honest purpose, that it shall be in perfect good faith, and that the honest effort of it shall be not by a sheer majority to enslave anybody to vote against his will or wish, but an honest effort to arrive finally at a conclusion that will be regarded by us all as a fair compromise and one on which we can unite on the floor of this Convention.

Now, just a word as to the necessity of making such an effort at a compromise in conference. Suppose we were to come into this Convention in our present state of mind with nobody but the members of the committee on the Initiative and Referendum agreeing—and perhaps there will be a minority report—suppose we came in with nobody agreeing and a majority presented a report. We would then be obliged to go into debate on

that subject on the floor of this Convention. Why, that would be like leading a great unorganized raw mob against the rapid-firing guns of a well-disciplined and a well-generated army, such as we may expect to develop on the floor of this Convention.

Does any man say that there is going to be any peace on this question? I will show a Christian spirit towards every man here; but there comes a time when, though we do it honestly, and though we do it fairly, we must differ and differ absolutely. And I expect that time to come when the initiative and referendum matter comes up. Then the member from Ashtabula [Mr. LAMPSON] will be on one side and the member from Allen [Mr. HALFHILL] will be with him. Certain other members will be on that side. And certain others who are under pledges to have the initiative and referendum passed in some form will be the opposing force, and there will be a battle, and a battle royal. I don't know what the outcome will be, but I want to say, whatever the outcome is, I will not be charged with going into that battle unprepared. We are going, if possible, to form a conference conducted in the right spirit, constituted of men who know that none of us can have his own way entirely, men who will give and take, men who will work often and late and industriously until they arrive at what they believe to be a fair conclusion and adopt a program upon which they can virtually all stand, and then we are going to come in here—I admit it—we are going to come in here and try to get it adopted. We are going to make as good a fight as we can, and we are going to discipline our forces beforehand for that fight, and I will not criticise the members of the other side if they do exactly the same thing. I expect they will.

The president resumed the chair.

Mr. WINN: I was not asked, or if I was, I don't recall it, to sign any pledge upon the initiative and referendum, but upon my own motion, after my nomination, I wrote an article which was published in all the papers of the county where I live, expressing myself favorable to the principle involved in the referendum and involved in the initiative if it could be properly safeguarded to meet the requirements of a commonwealth like this. And I had hoped that somewhere along the line we might be able to find some common ground upon which we could all stand hand in hand.

We are debating now, presumably, a substitute offered by the member from Hamilton [Mr. HARRIS]. I hope it will not be insisted upon. If I remember the language employed in it, it is not up to the character of this Convention and it ought not to be spread upon our records.

But that is not what I am here to talk about. Having heard this much of these debates I have reached the conclusion, and I think I am correct, that more than a majority of the members of this Convention have entered into a secret arrangement by which they are to meet from time to time secretly—perhaps not secretly—I don't know what the intention is—but they are to meet between now and the time the proposition is brought to the floor of this Convention and talk these matters over and see if they can reconcile their differences, and finally, having reconciled their differences, that sixty, seventy or eighty, as it may be, will then agree upon the proposition that is to be put through.

Resolution Relative to Caucus Agreements.

Now the publicity that has been given to this arrangement will be a whole lot of value to some of us, because when the majority come in here with their plan all arranged the rest of us may just as well pack our grips and go home and take a day or two off. But supposing it had not become public. Think of the embarrassment. Here would have been more than a majority of the gentlemen of this Convention sitting here with their secret arrangement all perfected, with their guns all loaded ready for the charge, and those who were not taken into the conference of those in the compact, knowing nothing of it, would be working on the floor of the Convention in good faith trying to obtain something with the sixty or seventy nudging each other in their ribs and saying, "Look at that guy wasting his breath; we have it all fixed and he doesn't know it." Here we would have been for six or seven days, expending time and energy and any amount of space in the records with our remarks and piling up expense on the state and all the time for nothing. I think those who are not a party to that compact owe a great debt of gratitude to the newspaper men who have given it publicity, as we all can see how they have saved us from making monkeys of ourselves on the day of the general discussion of this question, for now, when that comes up, knowing that it is all settled, that it is all over but the shouting, we can retire to the smoking room, sit down, cross our legs and have a good time, while those who are parties to the compact are going on with the work; and the result will be exactly the same and we will not have made fools of ourselves by coming in here and wasting time debating it. That seems to be the arrangement.

Mr. BOWDLE: I take it from a number of conversations that I have had with the gentleman in the Liquor Traffic committee that his mind is fully made up on the dry side of that question; is that true?

Mr. WINN: No.

Mr. BOWDLE: I am on the wet side, and I know I can not convince you.

Mr. WINN: You might.

Mr. WATSON: May I ask the gentleman from Defiance [Mr. WINN] a question? Is it not a fact that you and I both were in a dry caucus last night?

Mr. WINN: I will say for the edification of the members of the Convention that there is not one word of truth in that and I don't care from whom it comes. I never said a word last night nor since I have been in Columbus that I am not willing to have printed in every newspaper in the state. If you call it a secret caucus, I was with a company of gentleman last night discussing the King bill and some of the amendments proposed to it, and I am perfectly willing now to have the result of that conference published in all the newspapers.

Mr. FACKLER: Do you think that the men who go into the conferences on the initiative and referendum are afraid to have the results of those conferences published to the world?

Mr. WINN: I wish I could answer that question as I would like to. I have already heard from the president that it would not be published; that it is a secret in his breast. If a majority of the Convention have entered into a compact by which it is proposed that that majority is to agree on a proposition and it is to be put

over, in the name of heaven let us know it so that the rest of us can stay away while the majority go on and do the business. But if this is to be an open question, in which we all can participate, I do not care how many caucuses are held or how many agreements are entered into. There is no use for us to spend our time discussing this proposition or attempting to amend any proposition that may be offered, if the final result has already been decided upon, and that seems to be the thing now in motion.

Mr. PECK: My purpose in moving to indefinitely postpone this matter was to get rid of it. It never struck me that we were to provoke such a great discussion on it, and I now move that the resolution and the pending amendment be laid on the table.

The motion was seconded.

Mr. WINN: And on that I demand the yeas and nays.

Mr. DOTY: I second the call.

The yeas and nays were regularly demanded, taken, and resulted—yeas 60, nays 45, as follows:

Those who voted in the affirmative are:

Beatty, Wood,	Harris, Hamilton,	Partington,
Beyer,	Harter, Huron,	Peck,
Bowdle,	Henderson,	Peters,
Brown, Pike,	Hoffman,	Pierce,
Cassidy,	Hoskins,	Read,
Cordes,	Hursh,	Redington,
Crites,	Johnson, Madison,	Roehm,
Crosser,	Johnson, Williams,	Shaffer,
Davio,	Kehoe,	Smith, Geauga,
DeFrees,	Keller,	Solther,
Donahay,	Kilpatrick,	Stevens,
Doty,	Kunkel,	Stilwell,
Dunn,	Lambert,	Tannehill,
Earnhart,	Leete,	Tetlow,
Fackler,	Malin,	Thomas,
Farrell,	Marshall,	Ulmer,
Fox,	Mauck,	Walker,
Hahn,	Miller, Crawford,	Watson,
Halenkamp,	Moore,	Wise,
Harbarger,	Okey,	Mr. President.

Those who voted in the negative are:

Anderson,	Halfhill,	Miller, Ottawa,
Antrim,	Harris, Ashtabula,	Norris,
Baum,	Harter, Stark,	Nye,
Beatty, Morrow,	Holtz,	Pettitt,
Campbell,	Jones,	Price,
Cody,	Kerr,	Riley,
Collett,	King,	Shaw,
Colton,	Knight,	Stalter,
Cunningham,	Kramer,	Stewart,
Dunlap,	Lampson,	Taggart,
Owyer,	Longstreth,	Wagner,
Eby,	Ludey,	Weybrecht,
Elson,	Marriott,	Winn,
Evans,	Matthews,	Woods,
Fess,	McClelland,	Worthington.

Mr. DOTY: I demand a verification of the vote.

The PRESIDENT: The secretary will verify the vote.

This was done.

The PRESIDENT: The whole matter is laid on the table.

Mr. BOWDLE: I want to announce that I have found four of my signed pledges and I have them here open to the inspection of anybody. I invite exchanges.

Mr. BAUM: I ask unanimous consent to introduce a resolution.

Granting Use of Hall to Centennial Commission, Etc.—Petitions and Memorials.

Mr. DOTY: I want to say to the members that this resolution does not pertain to the business of this Convention, but is with reference to the use of this hall for certain purposes.

Mr. LAMPSON: I move that the consideration of Proposal No. 118 be postponed until Tuesday. Just let it stay on the calendar but go over until Tuesday.

The motion was carried.

Mr. DOTY: Now I trust that unanimous consent will be given for the introduction of the resolution of the gentleman from Ross [Mr. BAUM].

The consent was given and the resolution was read as follows:

Resolution No. 67:

WHEREAS, The Ohio Columbus Centennial Commission wish to celebrate the one hundredth anniversary of the adoption of the resolution locating the capitol here, which anniversary occurs Wednesday, February 14, 1912, and

WHEREAS, The hall of the Convention being the only hall in the capitol building with sufficient capacity to accommodate the guests to be invited, and

WHEREAS, The invited guests are to include the delegates to this Convention; Therefore

Be it resolved, That Rule 106, forbidding the use of the hall for other than Convention purposes, be suspended and that the Ohio Columbus Centennial Commission be granted the use of this hall for the evening of Wednesday, February 14, 1912, for the purpose named.

Mr. BAUM: I move the adoption of this resolution. I do not care to speak on it. The resolution is self-explanatory.

I have nothing further to add to that.

The motion to suspend the rules was carried.

The PRESIDENT: The matter is now on the adoption of the resolution.

Mr. FESS: Is it perfectly clear that this Convention, without the instruction of the legislature, can grant this hall to anyone for any purpose? Will not we be transgressing our authority?

Mr. DOTY: I think we will, but the legislature won't meet for a year.

The resolution was adopted.

Mr. DOTY: I move that the address delivered to this body by Governor Harmon be included in the debates of this Convention, at the conclusion of the morning session.

The motion was carried.

Various leaves of absence were granted as appears in the journal.

Mr. MARRIOTT: On last Tuesday afternoon I was unavoidably absent when the votes were taken on Proposal No. 54, relative to reform of the judiciary. I desire now to have my vote recorded upon that proposal.

The PRESIDENT: If there is no objection the secretary will call the name of the gentleman from Delaware.

Upon the call of his name Mr. Marriott voted in the affirmative.

Mr. CASSIDY: I desire to ask unanimous consent to offer a resolution.

The consent was given and the resolution was read as follows:

Resolution No. 68:

Resolved, That the president be and he is hereby authorized to appoint a select committee of three to direct and control the reporter and reportorial staff of this Convention.

On motion the rules were suspended and the resolution put on the passage, and the vote being taken was declared carried.

Mr. WORTHINGTON: I move to reconsider the vote by which Proposal No. 54—Mr. Elson, was passed. I shall not press that motion now.

Mr. DOTY: I move that further consideration of that motion be postponed until Tuesday and that it be put on the calendar for that day.

The motion was carried.

PETITIONS AND MEMORIALS.

Mr. Miller, of Fairfield, presented the petitions of Thomas E. Snider and of A. J. White and two hundred forty-nine other citizens of Fairfield county, relative to licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Miller, of Fairfield, presented the petition of Elizabeth C. Kelton, and other citizens of Franklin county, asking for woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Miller, of Ottawa, presented the petition of Joe Haines and fifty-two other citizens of Ottawa county, asking the Convention to adopt Proposal No. 4, without amendment; which was referred to the committee on Liquor Traffic.

Mr. Miller, of Ottawa, presented the petition of O. B. McLaughlin and fifty-three other citizens of Ottawa county, protesting against the submission of a license clause by the Convention; which was referred to the committee on Liquor Traffic.

Mr. Fackler presented the petition of W. W. Bryant and seventy-nine other citizens of Cuyahoga county, relative to Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Doty presented the petition of Mr. Geo. F. Brady and one hundred nineteen other citizens of Cuyahoga county, requesting this Convention to adopt, without amendment, Proposal No. 4, introduced by Mr. King; which was referred to the committee on Liquor Traffic.

Mr. Farrell presented the petition of Conrad Sulzmann and seventy-seven other citizens of Cuyahoga county, asking for the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Price presented the resolution of the Rev. Charles E. Turley and one hundred other citizens of Shawnee, Perry county, favoring the granting of equal franchise; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Kilpatrick presented the petition of Cora M. Huggins and twenty other citizens of Highland county, in favor of equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Petitions and Memorials.

Mr. Holtz presented the petition of Bruce J. Myers and two hundred seventy other citizens of Seneca county, relative to licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Holtz presented the petition of Harry E. Keltner and twenty-three other citizens of Fostoria, asking for the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Holtz presented the petition of Mrs. W. W. Hopple and one hundred two other citizens of Seneca county, asking for equal right of suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Henderson presented the petition of Mrs. M. C. Burnham and other citizens of Champaign county, asking for equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Hahn presented the petition of Edward H. Freund and ninety other citizens of Cuyahoga county, asking the Convention to adopt Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Longstreth presented the petition of W. A. Knowles and forty-one other citizens of Hocking county, asking this Convention to adopt Proposal No. 4, introduced by Mr. King, without amendment; which was referred to the committee on Liquor Traffic.

Mr. Stilwell presented the petitions of A. J. Simpson and Geo. C. Auer and seventy-eight other citizens of Cuyahoga county, asking for the licensing of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Marriott presented the petition of Mary Boyd Yeoman and nine other citizens of Highland county, praying for woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Matthews presented the petition of Mrs. F. M. Ackerman and two hundred ninety-two other citizens of Putnam county, asking for equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Pettit presented the petition of the Rev. Frank Boyd and fifty-two other citizens of Cherry Fork, Adams county, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Wise presented the petitions of the Massillon Study Club, of Massillon; of Harriet E. Powell, of Canton; of the Mothers' Club of Massillon, asking for the submission of a woman's suffrage clause to the voters of the state; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Nye presented the petitions of T. R. Benson and F. S. Bates and one hundred three other citizens of Lorain county, against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Woods presented the petitions of the Congregational church of York township, Medina county; of the Church of Christ, Medina; of the M. E. church, of York township, protesting against a license clause in the constitution; which were referred to the committee on Liquor Traffic.

Mr. Woods presented the petition of the Wadsworth township Farmers' Institute and other citizens of

Medina county, asking for the initiative and referendum with eight, ten and fifteen percentages; which was referred to the committee on Initiative and Referendum.

Mr. Woods presented the petition of Sharon township Sunday school and other citizens of Medina county, protesting against putting a license clause in the constitution and asking for a clause upholding the sacredness of the Sabbath day; which was referred to the committee on Liquor Traffic.

Mr. Tetlow presented the petition of Geo. Wilhelm and nine other citizens of Columbiana county, asking for passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Davio presented the memorial of College Equal Suffrage League of Columbus, in favor of equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Redington presented the petition of F. E. Schubert and many other citizens of Lorain county, relative to elective franchise; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Redington presented the petition of Sam Schwartz and many other citizens of Lorain county, asking for license law; which was referred to the committee on Liquor Traffic.

Mr. McClelland presented the petition of H. M. Noble and four hundred seventy-five other citizens of Knox county, petitioning for an amendment prohibiting the manufacture, sale or free distribution of cigarettes; which was referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of Hugh McDonald and other citizens of Clark county; of George B. Scrambling and other citizens of Cuyahoga county; of David Daugherty and twenty other citizens of Carroll county; of Geo. E. Gauche and forty other citizens of Clermont county; of W. R. Decker and forty other citizens of Warren county; asking for the adoption of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of the Methodist Episcopal Preachers' Association, of Cleveland; of a church of Burbank; of the Citizens' Circle, of Canal Dover; of the German Baptist church, of Nottingham; of the Friends church and Sunday school at West Milton; of the Sunday school and church of the Brethren of West Milton; opposing the licensing of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Colton presented the petition of the members of the Congregational church, of Nelson, Portage county, opposing license; which was referred to the committee on Liquor Traffic.

Mr. Thomas presented the petition of Martin Snider and other citizens of Perry county, relative to bill of rights; which was referred to the committee on Judiciary and Bill of Rights.

Mr. Thomas presented the petition of I. B. Malstone relative to poll tax; which was referred to the committee on Taxation.

Mr. Farrell presented the petition of M. S. Folsom and one hundred two other citizens of Cuyahoga county, asking for the licensing of liquors; which was referred to the committee on Liquor Traffic.

Petitions and Memorials.

Mr. Pettit presented the petition of Henry King and one hundred forty-nine other citizens of Adams county, protesting against a license clause in the constitution; which was referred to the committee on Liquor Traffic.

Mr. Davio presented the petition of W. G. Acker and one hundred seventeen other citizens of Cuyahoga county, asking for the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Thomas presented the petition of Ralph A. Burton and one hundred other citizens of Auglaize county, asking that the bill of rights, direct legislation and the recall of public officers, be included in the new constitution; which was referred to the committee on Judiciary and Bill of Rights.

On motion of Mr. Peck, duly seconded, the Convention adjourned until Monday evening at 7 o'clock.