

SECOND DAY

MORNING SESSION.

WEDNESDAY, January 10, 1912.

The Convention was called to order by the president at 10 o'clock a. m.

The PRESIDENT: The president wishes to announce that an opportunity will be given the delegates to make correction of the minutes as soon as the secretary is able to arrange for their being printed and placed on the desks of the delegates.

Mr. HOSKINS: I wish to introduce a resolution, which I will ask the secretary to read.

The resolution was read, as follows:

Resolution No. 6:

Resolved, That a committee of seven, of whom the president shall be chairman, be appointed by the president to consider, draft and report to the Convention a code of rules and procedure, and to report upon any matters in connection therewith they may deem advisable.

Mr. LAMPSON: I raise a question of consideration, and ask unanimous consent to make a statement.

The consent was given.

Mr. LAMPSON: Mr. President and Gentlemen of the Convention: It is well known to all the members of this Convention that there is a difference of opinion as to the method of selecting committees. The selection of committees is the vital point after the election of officers in the organization of this Convention. It is true that it is in the committees primarily that the great work for which this Convention was called, is to be done.

Now, there are two methods frequently resorted to for the appointment of committees in legislative bodies. One through the medium of the presiding officer, another through the body itself. In legislative bodies, where the presiding officer is an old member, where many of the members themselves are experienced in legislation, acquainted with each other, and the man who is selected as a presiding officer is familiar with the personnel of that body, I have always believed that on the whole it tended to better legislation to let the presiding officer determine the committees, but recently there has grown up a feeling that we ought to give recognition to the popular idea. Get a little nearer, as it were, with our legislation to the source of authority, to the people themselves. So, in the present national house of representatives the time-honored practice of allowing the speaker to name the committees was changed. Now, the force of the rule or practice allowing the presiding officer to name the committees in a legislative body is not nearly as strong in a body like this, which has come together in this instance for the first time in sixty years, and all of us as new members, upon an equal footing with each other, and our presiding officer not acquainted with or familiar with the qualifications of the members of this Convention. So it is wholly fitting that this Convention in this instance should be its own master. We are responsible to the people for the sort of constitution

that we frame, and gentlemen, whether it be wise or unwise to allow the presiding officer to name the committees for the Convention, it is our sovereign right, as the chosen representatives of the great sovereign commonwealth, to determine that method for ourselves. Now, all I have to say about it is this. Whatever the majority of this Convention shall determine upon after a free and open ballot, I am willing to cheerfully submit to. I do not believe that this matter, this vital matter of selecting and determining the committees of this body, should become or even be suspected of being a matter of bargaining for position. We should act upon the high plane of statesmanship, rather than over the bargain counter of trade.

I appeal to the gentleman from Auglaize [Mr. HOSKINS] to allow me to offer this as a substitute for his resolution. Let us agree to a debate, fixing a time for discussion upon the method of choosing committees. At the end of that debate, let there be a roll call, and the gentlemen whom I represent will abide by the verdict of a majority of this Convention.

I have framed a resolution, which I will read:

Resolved, That the following standing committees be now created, viz.:

On rules, to consist of nine members.

On committee on committees, to consist of twenty-one members.

Resolved further, That upon the adoption of this resolution the congressional districts shall be called in numerical order and that the delegation from each district shall report to the Convention the name of one of their number as a member of the committee on committees.

Unless otherwise specially ordered by the Convention, the committee on committees shall appoint all other standing committees.

Now, if the gentleman will agree to my request, and allow me to offer this resolution, I will make any reasonable agreement that he may suggest for an open and free debate upon this resolution, subject to such amendments as the house may desire to make. I would like some indication as to whether the gentleman is willing to enter into such arrangement.

Mr. HOSKINS: Mr. President—

The PRESIDENT: Will the gentleman from Ash-tabula yield?

Mr. LAMPSON: Only for an answer to the question.

Mr. HOSKINS: I want the floor to offer some remarks.

Mr. LAMPSON: I refuse to yield. I have raised the question of consideration on the adoption of the resolution presented by the member from Auglaize, and I insist I am within parliamentary rules in so doing.

Mr. PECK: We have no rules. How can there be a question of consideration? If the house desires to pass upon that question I am willing to yield. As I understand there is no such thing as a question of consideration outside of the legislature which established such a

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thing by rules. There is no such thing as a question of consideration. Anything that is properly brought before the house is up for consideration.

Mr. LAMPSON: That is a point of order.

Mr. PECK: Yes, it is a point of order.

The PRESIDENT: The president rules that the member from Hamilton county has the floor, and is in order and will be heard. The president rules on the point of order that there are no rules to govern this body save the rulings of the president, subject to the will of the Convention. The member from Cuyahoga, Mr. Doty has the floor.

Mr. FESS: I appeal from your decision.

Mr. DOTY: I just want to say that—

Mr. LAMPSON: I second the appeal.

Mr. DOTY: I have no doubt—

Mr. FESS: What are you going to do with this appeal?

The PRESIDENT: The member from Greene county will take his seat.

Mr. FESS: I shall not take my seat until I know what you are going to do with this appeal. I called for an appeal and I shall insist upon it.

Mr. DOTY: I have no doubt the member from Greene will have his appeal at the proper time. I understand that I have the floor because I was recognized before the member from Greene. I have no disposition to—

Mr. FESS: I want to know what the president is to do with the appeal.

Mr. DOTY: There is no appeal pending. I have the floor. I would call the attention of the chair to the fact that I had the floor before the appeal was taken.

Mr. FESS: I was recognized, and if the chair insists on not recognizing the appeal, then it is in order to declare the chair vacant, and that is what I shall do unless we proceed under parliamentary law.

Mr. DOTY: My name having been mentioned by the member from Ashtabula, I thought I would rise and agree with as much of the member's statement as I could. I think the Convention ought to be supreme in this matter.

Mr. TETLOW: I rise to a point of order. This whole discussion is out of order.

Mr. FESS: Mr. President.

The PRESIDENT: The delegate from Greene.

Mr. FESS: If there is any doubt about my right to take this appeal, I renew my appeal.

The PRESIDENT: The president will ask the member from Greene to state the ground of his appeal.

Mr. FESS: My appeal was from your decision in reference to the question of consideration raised by the member from Ashtabula. My objection was to your statement that we had no rules.

Mr. DWYER: Mr. President: We should be governed by the rules of the house of representatives until other rules are adopted.

Mr. HARRIS, of Ashtabula: I would like to inquire if there is a question before the house?

The PRESIDENT: The question is on the consideration of the adoption of the resolution presented by the member from Auglaize county.

Mr. HARRIS, of Ashtabula: Mr. President: I will try to address myself to the question. We all know, I

think (and no one better than the member from Cuyahoga, Mr. Doty), that the committees of the Convention will practically be the Convention; hence the power to name the committees will be the power to shape and control the work of the Convention. It is interesting to observe that the element of our membership, which has assumed to itself all the progressiveness of the body, has suddenly become the most reactionary factor of it.

I suppose the "crab" is a progressive animal, though he goes backward to get anywhere; so our progressive friends, while insisting on the largest liberty for the individual, are advocating now the most extreme centralization of authority. The standing committees of the Convention should be chosen by the membership, as a method whereby the most satisfactory results can be obtained.

Mr. HOSKINS: This resolution is in the ordinary form and only follows the ordinary procedure of all legislative bodies. It is not the purpose to shut off a full and free discussion of the merits of the resolution. I could not agree to withdraw the resolution and permit the resolution of the member from Ashtabula [Mr. LAMPSON] to take its place. I understand the request to be that the member from Ashtabula [Mr. LAMPSON] be permitted to offer his resolution as a substitute for this one. To this I would not agree.

The majority of the members of this Convention have elected a president, and those who have elected this president believe he should appoint this committee of seven for the purpose of reporting to the Convention a code of rules and procedure, and to report upon such other matters as this committee may deem best. It is necessary to begin somewhere and the appointment of this preliminary committee is a proper procedure, which I think should be approved by this Convention, and the question of what other committees should hereafter be appointed, or their method of appointment, can be a matter for later determination, and I repeat again that there is no purpose that this resolution shall shut off the fullest and freest discussion.

Mr. HARRIS, of Hamilton: Mr. President: One of the first lessons I learned in studying algebra was that the shortest distance between any two points is a straight line, so I shall say to you now that in my judgment the only question involved in this discussion is, shall we undo today what we did yesterday? In other words, will this Convention stultify itself? For yesterday we named the present presiding officer as the president of this Convention, with a clear knowledge on the part of the majority which so named him that in his hands was to rest the power of appointing committees. Those who opposed the president, had clearly stated that if they were successful they would let the house name the committee on committees. They, and this principle for which they stood, were defeated, so that no delegate who voted for the president yesterday can today, without self-stultification, vote to take away his power of appointing the committees. As a business proposition it would be most unwise, because we know that the president, in his canvass of the state of Ohio for the past ten years has become thoroughly acquainted with the characteristics and mental attitude of the members of this Convention. He knows them far better than the Convention itself knows them. What banker, or what

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merchant, if he had a delicate task to perform, would call upon twenty-one of his employes to perform that work? Would he not pick out the one man, say his chief of staff, the one whom he knew by practical experience was best able to perform that particular duty, and assign it to him? How can any advocate of the short ballot conscientiously and truthfully support the proposition to divide responsibility by letting the committee on committees, consisting of twenty-one members, appoint the various committees, when the cardinal principle underlying the demand for the short ballot is to do away with this very condition of irresponsibility and place power in the hands of one man, with no intermediate and devious approaches to that one man? In other words, the committee on committees means division of responsibility, which is repugnant to the very principle that is fundamental in the advocacy of the short ballot.

I do not claim to know anything about practical politics, and through the long months that the work of the Constitutional Convention had first been discussed, up to the present time, I thank God that no word of partisan politics had entered into the consideration thereof, but even to me, novice as I am in practical politics, it is very clear that partisan politics is entering into our consideration. I charge that this question of taking away the power of appointment from the president of the committees is based on political considerations, for notwithstanding the specious pleas of our opponents that they are governed by the sole motive of giving the Convention itself the power of naming its committees, it is more than a coincidence that the most prominent advocates of this proposition happen to be from that political party which is the minority of this Convention, and I now caution this minority that the political majority does not propose to be hoodwinked by any such specious pretext; that this political majority does not propose to let the political minority seize upon and take away from them the organization of the Convention. I charge that the political minority is responsible for this condition of affairs; that it is they who under the cloak of a sudden love for the rights of the delegates, are seeking political advantage. I call the attention of the political majority to this state of affairs, so when they are ready to vote upon it, they can do so intelligently, and I charge the responsibility for this issue upon the political minority.

There is, however, one other point of view which I believe will appeal to the delegates here assembled, and I believe their answer will be so overwhelming that never again will this political question arise in this Convention. I believe the president will be supported, because I know that this is a Convention of Americans, and the American above all loves fair play. He is a "good loser"—he does not strike below the belt! He will allow no false issues to cloud his judgment of what is decent and fair in a contest of this kind. I rely upon these facts to see a decisive majority supporting the proposition to leave in the hands of the president the power of appointing the committees.

Mr. LAMPSON: Will the gentleman from Hamilton permit me to ask him a question?

Mr. HARRIS, of Hamilton: Certainly.

Mr. LAMPSON: Are you aware that the lower house of the national congress has taken away from its presiding officer the power of appointing committees, and

as a matter of fact has adopted the mode of procedure advocated by us today?

Mr. HARRIS, of Hamilton: I am fully aware of this, and I am also aware, as the member from Ashtabula is clearly so, that the lower house of the national congress sitting in Washington is essentially a political body, and that it is organized essentially on political lines, and further that its committee on committees is organized essentially on political lines, the dominant party naming a very large majority of every committee on purely partisan lines. Does the member from Ashtabula desire this Convention organized along the same lines?

Mr. HARTER, of Stark: I have a statement in favor of the original resolution, which I ask the secretary to read.

The statement was read as follows:

Mr. President: I desire to address the delegates rather than you. It is my opinion that the members of this body should for the sake of harmony concede the responsibility of the naming of the committees to its permanent president. This has been the custom of all the deliberative assemblies in Ohio, and it is the wisest policy for us to pursue now. While my acquaintance with the president of the Convention is limited, I am certain that the delegates of whatever political bias will receive every courtesy from the gentleman who has the honor of presiding over the work before us, and I personally think he will act in his capacity with all the fairness of an upright judge in the performance of his duties. Let us therefore start out by giving him our confidence and support. The responsibility of making the work successful is largely his, and beyond a doubt he knows this quite as well as every individual delegate. The price and honor of his position are guarantees that he will be faithful to the people of Ohio.

I regard the title of a committee on committees as most presumptuous. It reminds me of a small bank which took the title of "Bank of Banks". It was very plain, however, that this was far from the truth. For my part, I would prefer that the president name all committees, for the chairman of the committee on committees would virtually assume the right of the president of this Convention.

Mr. ELSON: Mr. President: I fear there has been a misapprehension as to the purpose of members of this Convention in withholding from the president the power of appointing committees. I am sure I can truthfully say there is no disrespect whatever meant, and no intention to administer any rebuke in any sense to the president. We have already bestowed upon him the highest single honor that it is possible for this Convention to bestow upon any one of its members; and in withholding this added honor there is no purpose whatever to show any disregard for his feelings.

The object, as I understand it, is to impress the people of this state with the fact that this Convention is an independent body, and in no sense a one-man power. I hope there is no such thing at this moment in this Convention as factional differences. I hope these have been buried in our recent election of president; but this much is certain, the people of the state of Ohio are under the impression that such factions do exist. It is certain that the eyes of the people of Ohio are centered upon us. They will note particularly the first

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things we do here. We are now making our first impressions upon the people who sent us here to represent this great state in the very important business that is before us. If we can do something now in the way of obliterating these feelings throughout the state, by giving the authority of these important appointments into the hands of the entire Convention instead of into the hands of one man, it seems to me it is our solemn duty to do so.

It must be remembered that our division on this subject is not on political grounds. I agree with the gentleman who preceded me that it would be very unfortunate to raise the partisan issue, either today or in the subsequent debates and doings of this Convention. But since the subject has come up, I would say that for my own part, it is probably known that my politics is the same as that of our president, and I am aware that the same is true of other members who will vote on this subject as I shall vote. There is, therefore, no political division to be found in the vote that we are about to take.

Again, it has been hinted that we are dividing on conservative and progressive lines. This is equally untrue. The partisans of the president must not assume unto themselves the role of being the only progressives in this Convention. I challenge any one to go further than I would go in the lines of true progressiveness, as I understand the word in the best modern sense. Can it be said, therefore, that there is any division on this line?

Moreover, we are looked upon as a truly democratic body; but if we decide this question in favor of the appointment of these important committees by a single individual, we can justly be accused of tending in the opposite direction rather than in the direction of true democracy. Only a year or two ago there was a fierce contest in our national house of representatives on a subject similar to that which we are considering today. Every true progressive in America cried out against the non-progressive, tyrannous rule of Speaker Cannon, which had continued in Washington for many years past. On the other hand, the extreme conservatives and reactionaries took the ground occupied by the Cannon-Aldrich crowd that the great committees in congress should continue to be appointed by this one man, whose will practically dominated the action of the house, and had done so for many years. What will the people who elected us say, if we take a similar ground and delegate this exceedingly important work to one man, a work which should be the work of the combined wisdom of this entire body?

The most remarkable characterization of the century that has just passed is the wonderful progress of democracy. At the beginning of our national era the people had not a word to say in the nominating of a candidate for president of the United States, nor even in the election of a president, the latter being delegated to an electoral college. But as the people grew more intelligent and divided into political parties, they concluded that the business of president making was their business; that it was too vast and important a business to be left in the hands of a few men, and in spite of the constitution they decided to take the matter of president making into their own hands. They instituted the national convention, and through this means they chose

their own candidates, and while retaining the electoral college as a lifeless piece of machinery, in order to observe the letter of the constitution, they have long since taken from it its discretionary power, and it may be truly said that the people choose their own president.

Take then the matter of that new and growing policy in various states in our government, the initiative and referendum. This is another democratic move, pure and simple. Our fathers of a hundred years ago, were they living today, would be clamoring for a change to the end that the people themselves should be empowered to elect the United States senators. This constitutional amendment has been denied through the reactionary tendencies of the senate itself. But even this has not allayed the people in their demand, and in many states they have taken upon themselves the responsibility of instructing their legislators by primary elections or otherwise. This habit has been growing, and I am confident that if the constitutional amendment is denied them for many years longer, every state in the Union will have some way of consulting the voice of the people in order to learn their wishes before a legislature will venture to make choice of a United States senator.

So much for the grand progress of democracy in America in the past hundred years, but let us cross the Atlantic and take a momentary glance at things as they have been going there. Compare the conditions in continental Europe today with what they were immediately before the French Revolution. France, inspired by the American Revolution, threw off the yoke of monarchy, and France was followed in its democratic tendencies by one continental people after another, until practically every nation in Europe today exists under a constitutional government. The movement is still going on, and within the past two years Turkey has joined with the rest, and Russia, the only remaining absolute monarchy in Europe, has shown hopeful signs of moving in the same direction. The nineteenth century was a wonderful century in many ways, but in this one respect, the progress of democracy, it was more wonderful than in anything else.

If I were asked to state what seemed to me the most marvelous historic fact of the past century and a quarter, I would not name the invention of steam navigation, nor the development of the railroad, nor the invention of the telegraph, the electric light, nor the automobile or aerial navigation, nor all of these combined. I would name as the most marvelous happening of that period, the growth of constitutional government in continental Europe. There has been one grand sweep of progressive democracy down through the century and the result has been that the modern man has been emancipated from the shackles that bound him during the long, dark period of the middle ages. Today the common man in Europe or America enjoys freedom and equality before the law and self-ownership that were unknown to his ancestors two centuries ago.

Shall we now at the beginning of the twentieth century not recognize this grand, universal, all-pervading spirit of democracy? Do we not, as members of this Convention, feel the effect of that spirit? Do we not realize that the people who sent us here are saturated with that very same spirit of democracy, self-government and self-ownership? If we do not decide to put this

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important duty' of appointing these committees in the hands of the Convention as a whole rather than in the hands of one man, however much we may honor him as our president, we shall take a backward step; we shall be putting ourselves out of harmony with this grand spirit of democracy that pervades all lands and that has done so much for the common man in the century that has just passed. We shall also be giving an erroneous impression to the people of Ohio who sent us here. Let us not do it. We cannot afford to do it. Let us leave in the hands of this Convention this important power and I am sure we shall merit and receive the plaudits of the five millions of people of this state, whose eyes are now upon us.

Mr. CROSSER: Mr. President and Gentlemen of the Convention: There has been some doubt in my mind as to whether or not I should express myself upon the pending resolution and substitute, but I have concluded to present my views.

It is indeed remarkable how earnestly some gentlemen ostensibly have supported the substitute providing for a committee on committees. Gentlemen who have been known from one end of the state to the other, eye from one end of the nation to the other, as enthusiastic proponents of the old plan, which permits the president to appoint committees, are now going into paroxysms of fear lest a committee on committees be not established. Some circumstance has suddenly changed these late worshippers of the old plan to become raving enthusiasts of what they now so eloquently term popular control.

Now, gentlemen, I assure you that if I were convinced that the committee on committees is an essential of fundamental democracy, I would not give my vote to place the power of appointing committees in the hands of the president. And Mr. President, well as I know you and great as the feeling I have for you, yet if I could not reconcile the granting of this power to you, I would not vote on account of friendship to give you that power.

But, Mr. President, while we are believers in fundamental democracy; in the initiative and referendum; and while we consider the control of government by the people to be the essence of that democracy, yet, Mr. President, we have also another principle which we believe also insures better control of governmental affairs by the people. That principle is the one underlying the "short-ballot" movement; that principle is that the concentration of responsibility and authority better enables the people to place the blame for inefficiency or corruption, and consequently, by striking at the man in control of all officials appointed by him, induces care upon his part in the selection of his subordinates. The old theory now practiced is that the people should elect all of the public servants, which of course we have seen makes it impossible for them to know any except a few of those for whom they vote. Then again, where there is a division of responsibility one can blame the other and say it was not his fault, and consequently the people tire of trying to ascertain what is the real trouble and who is responsible.

Now, gentlemen, the same principle holds true here. If we should divide the responsibility of appointing the standing committees among a committee on committees composed of twenty-one members, we shall find ourselves in the delightful situation, when we complain of inefficiency of the standing committees, of hearing each mem-

ber of this committee on committees saying, "It is not my fault," "I did not want such a member," etc., each man having some member whom he wants appointed, because of friendship, and all of the committees selected upon a basis of trading votes by the different members of the committee on committees.

Mr. President, I contend that the concentration in your hands of responsibility of appointing the standing committees, reserving always, of course, the right to recall both you and your committees, will tend to the best result as far as committee work is concerned because we will then know whom to hold responsible for their work, while the opposite plan would make it impossible to place the responsibility.

I very much regret, Mr. President, to have seen one gentleman, to whom I had the pleasure of paying a very high compliment for his clever and fair speech of yesterday—I regret, I say, to have seen this gentleman resorting to technicalities and filibuster to confuse the Convention upon his question of appeal, after the object of his objection had been removed. I have also seen another gentleman, known for years from one end of the state to the other as a stout supporter of the theory of appointing committees by the chair, now almost frantically crying for the opposite plan, and wallowing in the mire of political machination.

Mr. President, I can respect although not agree with the man who sincerely believes in the divine right of kings, in government by the few, and I respect the man who believes in the principles of democracy, that the people should control the government. But, gentlemen, I have no patience with the man who champions either principle merely to advance his own interests. There has been displayed here this morning a resort to technicalities and filibustering tactics and a spirit of malevolence apparently caused by the desire to control at all hazards. Gentlemen who have always been known to believe in appointments of committees by the chair, now seem to say to themselves, "Now, we've got you; you are great believers in popular control, now you must vote to take away this power from the president."

These gentlemen both tearfully and defiantly urge this view although it is contrary to all their previous expressions. But they had not reasoned far enough. They forget that in order to control their government, it is not necessary nor wise for the people to elect all their servants from governor down to the janitor and office boy, and that the same is true of the executive work of the Convention, which is the committee work.

Gentlemen, it has been proclaimed from the housetops that this Convention is composed of able men who can draft a good Constitution, but I assure you that we will not succeed if we resort to clever trickery and indulge in specious argument which tends to confuse those desiring to find the truth.

There is but one plan by which we can procure a satisfactory constitution and that is to be sincere in the ideas we present. That is the only light by which we can guide our steps aright. If we do not we shall submit a document, if any, to the people which will be unsatisfactory.

Gentlemen, let us place the power in the president's hands and, Mr. President, if you should prove false to your trust, then we shall smite you on the cheek.

Mr. KNIGHT: I beg the indulgence of the Con-

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vention for a few moments in favor of the substitute resolution. Permit me to preface my remarks with the statement that I happen to have been elected on as progressive a platform as any member of this Convention, and I yield to no man in the intent to remain in a truly progressive position. In fact, this is one of the principal reasons why I am opposed to the original resolution and in favor of the substitute, because, as I view it, those who having been elected on a progressive platform favor the original resolution, have abandoned their progressiveness, while those of us who are in favor of the substitute are consistent with the principles in support of which we were elected. If there is any one thing which the records of the national congress of the last few years demonstrate, it is that the presiding officer of a deliberative body shall not possess powers which have come to be understood by the people of the nation as synonymous with the term "Cannonism".

Since we are then here as a progressive, deliberative body, representing and seeking to promote the popular will, there is no better way by which, at this early stage of our work, we can indicate our consistency than to leave it to the members of this assembly to select for themselves, by ballot, the two committees that shall be charged with the real organization of the work of this Convention.

I would have been glad if this question could have been discussed and settled before any of our officers were chosen, since thereby this discussion would have been stripped of any suggestion of personality, which is now unavoidable, whether intended or not. It seems to me that any other method of organizing the Convention than that which is proposed by the substitute resolution, is a backward step rather than a forward one, and for that reason I am heartily in favor of the substitute resolution and hope that it will adopted.

Mr. HALFHILL: Mr. President: So much confusion followed the introduction of the substitute resolution by the gentleman from Ashtabula [Mr. LAMPSON] that I ask the president whether he entertains the substitute as being the question now before the Convention, to be first determined as a matter of ordinary parliamentary procedure?

The PRESIDENT: The question now before the house is upon the adoption of the substitute resolution, which provides that the congressional districts shall be called in numerical order, and that the delegates from each district shall report to the Convention one of their number as a member of the committee on committees.

Mr. HALFHILL: The issue then is plain and we are here to consider which is the better method of proceeding in this next important step in our organization. Whether the Convention itself will exercise the power that plainly belongs to it, or whether it will confer this high prerogative upon its president, is the question; and its solution is to find out which is the wiser course to pursue.

When the voters of Allen county selected me as their constitutional delegate, I then considered and now believe that they conferred upon me the highest honor it was in their power to bestow; and every delegate here, I trust, considers a membership in this body as a signal distinction. But while the local electorate of the respective counties endowed us with the high privilege and

office of delegate, yet when our labors here are concluded, we surrender our commission to all the people of the state of Ohio, and a jury of twelve hundred thousand voters will accept or reject our work. Hence, all the people of the state of Ohio are my constituents, and likewise your constituents; and at the very outset of our labors we should do all in our power to invite the confidence and good will of those who will pass judgment upon our work. It should not be said or believed, or chance be given to say or believe, that the power to appoint these committees was conferred on the president of this Convention so that he might redeem promises made, repay obligations incurred, or pack committees to subserve and bring forward certain interests and questions which the president and many of those who support him are reputed to hold of first and last importance. This I say with great respect both to the office of president and to the person of the estimable gentleman now filling that place, but in my judgment we are at a point in our deliberations where it is wise to "avoid the very appearance of evil."

Thus speaking with sincere conviction, and, as I believe, all have spoken who favor this substitute resolution, I inquire whether it is fair or right to charge us with "malevolence towards the president", as was stated by the gentleman from Cuyahoga; and who further states "that it is well known that those opposing the original resolution and in favor of the substitute are non-progressives."

Before we have finished with the matter in hand, I think it will be pretty clear that our friend from Cuyahoga and his allies who favor the original resolution giving the president power to appoint these committees, are occupying an abandoned position, as shown by the reformed parliamentary procedure in the national house of representatives. But I deny the right of any member here to question motives in this debate, and I deny the right of any member to place a tag or label upon me.

There may be many a mask pulled off before we are through with the work of this Convention.

I also think it unwise and impolitic for anyone here to raise the standard of party politics, and threaten the minority that perchance it may feel the effect of the power of the majority, should such majority choose to assert and exercise the right of power that belongs to it. Such in effect, and as nearly as I can recall, were the words of the gentleman from Hamilton county. According to the roster there are sixty-five democrats and forty-eight republicans here; but under the law providing for the creation of this assembly, every member was elected upon a non-partisan ballot, and in the discharge of his trust should know neither politics nor party. If the republican vote of Hamilton county had been marshalled against my friend who now threatens to chasten us with the power and displeasure of the majority, he would not be here today. And if the democratic voters of Allen county had invoked the ungenerous rule suggested by the gentleman, I would not have received at the polls a plurality which is double the usual democratic majority in the good county of Allen. I hope we have heard the beginning and the end of allusions to party politics, for we are met here to deliberate upon the most important matter of our day and generation insofar as it concerns the welfare of the people of Ohio.

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Our commission is to revise, alter or amend the fundamental law, the constitution of our state.

Another has urged in argument against this substitute resolution that it is a needless waste of time and a cumbersome procedure to appoint a committee on committees, and then he sagely asks: "What will the people think if we take so much time in getting started?" We might well ask, what will the people think if we do not take sufficient time and exercise all care and deliberation possible at the outset of this important work. Does the gentleman not know that, admitting all the sagacity and wisdom with which he may endow the president of the Convention, it will take that official perhaps a week of time to appoint and arrange these committees, unless the task is already arranged and accomplished in advance?

But why is the demand so strenuous to surrender this power to the president? The most superficial observer knows it is a backward step. This is one of the high prerogatives that for many years made odious the arbitrary power of the speaker of the lower house of congress.

Until the change was made in the house rules in March, 1910, the speaker appointed all committees and had the power to say to what committee any bill should be submitted.

The speaker appointed a committee of four on rules, of which he was *ex-officio* a member, and this committee had the power to say what measures should be brought forward for consideration; and thus the speaker and his committee on rules could stifle not only measures but men.

The minority had no rights that were sacred or respected; and who has not seen this minority, frenzied with indignation and anger hurl itself forward and break like the sea in lines of foam around the rock of the speaker's chair, buttressed and fortified as it was at every point by the committee on rules and the tenacious force of high prerogative? For a sympathizer with the majority it was a splendid exhibition of the effectiveness of team work, but it crushed out the individuality and sometimes the political life of good men as well as good measures. All this has been changed. The house of representatives has got back the power which was so long alienated, and it has asserted its dignity and its prerogative. It now appoints a committee to select its standing committees, the committee on rules has been enlarged to ten and the speaker is not a member of such committee. The power, efficiency and dignity of that branch of our national congress has been increased ten fold; and I challenge the observation of anyone if he can point to a congress in the last score of years where the individual man counted for as much, or was accorded as square a deal, as in the present congress under its reformed and enlightened rules.

Why then are we asked to hark back to discarded theories and the old order of things? Mr. President, I have heard it said that you entertain the belief that if the Convention retains to itself the power to select its committees, you would feel its action amounted to a vote of want of confidence. How can there be anything personal in so grave a matter, and if such a thought has arisen or lingers, I beg you to dismiss it as unworthy of consideration. We who are contending here for the substitute resolution and for the right of this Convention

to name its own committees, are in fact striving to **save** you from the ill-advised counsel of misguided friends.

We feel that in each congressional district one man can be found who knows the capabilities and limitations of all delegates in that district better than such facts can possibly be known by the president, or any man that could have been selected for this high office.

I repeat that such a conclusion of the question before us would bring the best results. It would invite the confidence of all the people of Ohio to suspend judgment on the great work we are about to undertake, and would put it beyond the power of anyone to say truthfully or not, that obligations have been repaid by the president in committee appointments, or that the Convention is organized to forward the interests and theories of any member or any particular set of members.

I thank the Convention for its patient and undivided attention.

Mr. JOHNSON, of Williams: I am opposed to the substitute offered by the gentleman from Ashtabula [Mr. LAMPSON], providing for a committee to be composed of twenty-one members, one from each congressional district.

Such a committee would be too large, and in my opinion the manner of its selection would prove very unsatisfactory to the members of this Convention.

It is my opinion, however, that the appointment of the different committees should be left in the hands of the president. I feel sure he will be absolutely fair in making the appointments. If the president of this Convention is given the authority to appoint the different committees, I am of the opinion that he will not use his authority to coerce any one, as has been charged by some members of this Convention.

I am in favor of the original resolution, and hope that the substitute will not be adopted.

Mr. ANDERSON: Mr. President and Gentlemen of the Convention: The question before us is, shall absolute power be given to the president of the Constitutional Convention to appoint, as he sees fit, all of the standing committees of the Constitutional Convention, or shall the Convention reserve to itself that right? It must be first understood that the right to appoint these committees is inherent in the Convention and it does not become the property of the president until first the Convention, as such, transfers to him that right. It must be further understood that the principal part of the work of the Convention will be done in committee rooms, because within such committee rooms free and full and uniform discussion can be had upon all questions that may be referred to the committees.

Since the whole work of the Convention must of necessity go through the committees, in my mind it is giving entirely too much power into the hands of one man to permit him, no matter how honest or how fair-minded he may be, the sole and exclusive right to appoint all of the standing committees. If the motion prevails and the delegates from each congressional district be allowed to appoint one member of this committee on committees, we have a fair distribution along geographical lines and ought to have a fair representation on each committee of all the different opinions that may be had upon the various subjects, and the real purpose of sending the different matters to the committees is that they may be subject to the acid criticism of men

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occupying different view-points, and the opinion of those who are friendly and unfriendly, for only in that way can we have a report of committees that can in any way be representative.

When in Cincinnati, the guest of the city, this question was informally discussed among the different delegates who attended the banquet and at that time all of the delegates that expressed their opinion upon the subject were of the opinion that the presiding officer should never be given the power to appoint committees. It seems that some of those delegates have had a change of heart since then, and that which is most remarkable is the fact that the delegates who pretended to be the most progressive are in favor of the president appointing the committees. Does such attitude mean that before election they were progressive and after election the reverse? Does it mean that for the hope of being appointed upon some committee they have forgotten all of their loudly-voiced progressive ideas which were loudly voiced from the stump before election? If any one thing spells progress, it is denying the one-man power in conventions. For, if you take conventions as a whole, the delegates may be likened unto the people and the president unto the political boss. The larger the number of citizens that are required to decide a question of great interest, the more certain it can be said that the voice of the people has been heard. Does it mean, therefore, that the things that represent real progress are for the "outers" and after the outers become "inners" that they revert to the method which has for years been recognized as the method of the corrupt political ring?

It has been said that the president is in a better position to make these appointments because of his acquaintance with the delegates than a committee selected from the congressional districts. The statement of this so-called argument is all that is necessary to show it is absolute foolishness. The president cannot be personally acquainted with very many of the delegates, and his acquaintance must extend to only those who very largely think, upon the important questions that will come before the Convention, as he does. I do not believe the president is in a good position to make the appointment of the committees, if fairness is to be desired, for of necessity he owes to his friends not only a debt of gratitude, but a debt for their support which will be repaid by appointment to desired positions on committees, and this will be demonstrated, provided the president be permitted to appoint the committees, when the appointments are announced.

A great victory for the progressives was announced by the newspapers when this same thing which our president asks was denied to Speaker Cannon, and the congressmen refused to deliver over to the speaker the right to appoint committees but appointed a committee on committees, but I presume that which by every person was recognized as progress in congress would not mean progress in a Constitutional Convention.

I have been given the credit or the blame for first suggesting committee-appointed committees. If I had been elected president of the Convention, I would have been just as much in favor of the committee appointing committees then as I was before election, for I would not wish the responsibility of determining the personnel of the committees, as I do not believe any man is suffi-

ciently acquainted with the one hundred and eighteen delegates that he can intelligently make up the committees, keeping in mind all the time the best interest of the whole state. I was not in favor of it before election; I am not in favor of it after election.

On motion of Mr. Doty the Convention recessed until 2 o'clock p. m.

AFTERNOON SESSION.

The Convention met pursuant to adjournment and was called to order by the delegate from Cuyahoga [Mr. DOTY] as president pro tem.

The PRESIDENT PRO TEM: The question is on the amendment to the resolution.

Mr. McCLELLAND: Gentlemen of the Convention: It was at the close of the long balloting under the leadership of the member from Mahoning county that the motion was made that our president be unanimously elected. No man can exceed myself in admiration for his ability, and I am glad that we have such an able president, and I feel that recognition is due to the office as well as to the man, and to the man as well as to the office, and I have an amendment to propose to the amendment as offered by the delegate from Ashtabula [Mr. LAMPSON]. His proposition was that the committee should consist of twenty-one members, one from each congressional district. Our state, however, is entitled to twenty-two congressmen, and I should be very sorry to have a committee on committees which had not in its membership our honored president, and I should be very glad to have him chairman of that committee, and for that reason I offer an amendment to the amendment offered by the delegate from Ashtabula [Mr. LAMPSON], and it is this: That instead of a committee consisting of twenty-one members, the committee should consist of twenty-two members, and that the president of this Convention be ex-officio chairman of that committee, and the twenty-second member. If the member from Ashtabula [Mr. LAMPSON] will accept that amendment I shall be glad for him to do so.

Mr. LAMPSON: I shall very cheerfully, so far as I am concerned, accept the amendment of the delegate from Knox [Mr. McCLELLAND] if he will send it to the desk.

The amendment to the amendment was adopted.

Mr. SMITH, of Hamilton: We have all had a good lunch and I hope we are all in a little more equable frame of mind than some of us seemed to have been in this morning. Those flurries are apt to come up sometime, but I hope this will be the first and last time that such things are said as were said this morning. I really believe, gentlemen, that what is in the minds of some who are in favor of this amendment is they fear perhaps that the temper of this Convention is to go too far along radical lines. I do not fear that danger, and therefore I want to follow the usual custom in deliberative bodies where efficiency is the watchword, and let the chairman appoint the committees. Now, the gentlemen who are in favor of the amendment, have in their argument, it seems to me, forged two links which are weak. In the first place why wasn't this substitute amendment offered before the election of president took place? The

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gentleman from Mahoning county [Mr. ANDERSON] said he did not have a chance; and yet, gentlemen, this substitute motion was offered after the original motion was introduced, and an amendment is perfectly proper to a motion and would have been in this case.

There was no request even, gentlemen, that the first resolution be withdrawn and I hope if request had been made it would have been withdrawn long enough to bring up the other matter for our consideration first.

Now, in order that the record may be clear I want to refer to something that the gentleman from Mahoning [Mr. ANDERSON] said about the attitude of the members from Cincinnati on the question of a committee on committees. He said—and if I don't quote him correctly, I ask him to correct me—that in the meeting at Cincinnati, where the Hamilton county delegation was present, he broached the subject, and we were uniformly in favor of a committee on committees.

Mr. ANDERSON: I did not make that statement. I said when I was in Cincinnati this thing was brought up to me. The gentleman from Preble and the gentleman from Adams, Mr. Antrim—I don't know the county—and a number more were there, and we discussed this question in an informal way over at the Business Men's Club, and we discussed it at the Hotel Sinton, and every one of them—I didn't hear Mr. Smith suggest his position on it—but every one was in favor of the committee being elected by the Convention to select committees no matter who was elected president.

Mr. SMITH, of Hamilton: I am glad the gentleman from Mahoning [Mr. ANDERSON] made an exception of myself. I did not hear anything about the plan until I came to Columbus. My colleague, Mr. Harris, presided over the meeting at Cincinnati and I will now call upon him and ask if he has any recollection of any delegates going on record as favoring this plan at Cincinnati.

Mr. HARRIS, of Hamilton: I had the pleasure of presiding at the banquet at Cincinnati at the Business Men's Club, the commercial men's organization of Cincinnati, to which banquet the member from Mahoning [Mr. ANDERSON] was a welcome and honored guest. During this banquet, which lasted from half-past eight until midnight, I did not hear at any time any mention of a committee on committees. Immediately after the statement made by the member from Mahoning county [Mr. ANDERSON], and while he still had the floor, wishing to know whether my memory was at fault or whether his memory was at fault, I spoke to two of my colleagues of Hamilton county asking them the question, both having attended the banquet, and both of them stated that they had not heard the matter of the committee on committees mentioned during this banquet lasting four hours. So I take it for granted that the member from Mahoning will take pleasure in withdrawing that part of his statement which will imply that those who attended the banquet were so committed. I for myself have always opposed the committee on committees.

Mr. SMITH, of Hamilton: I do not believe that the gentleman from Mahoning [Mr. ANDERSON] will misunderstand my attitude in the matter. It is simply justice to clear up the position of the members from Hamilton. It seems to me that we have been elected to this Convention by the people of Ohio to do a great work.

We were elected to this Convention because the people of Ohio trusted us. We want to do our work as perfectly and as safely and as sanely as we can possibly do it; and above all we want to do it efficiently. Efficiency should be the watchword of this Convention. Now, can we do it efficiently with twenty-two members making up this committee? What will that result in? It will simply result in the gentlemen from the first district saying to the gentleman from the second district, "If you will give us this committee, we will give you that committee." It will make for confusion. And the gentlemen from the southern part of the state do not know the capabilities of the gentlemen from the northern part of the state, while our president, whom we entrusted with the duty of presiding over this body, knows better than any other man in this body the capabilities and peculiar interests of all the delegates here. Why then should we depart from the custom and take out of his hands the power to efficiently administer the work of this Convention? The gentleman speaking for the amendment referred to the house of representatives. I grant you there was a departure from the customary parliamentary practice. And do you know why, gentlemen? Do you know why the power to appoint the committees was taken out of Speaker Cannon's hands? It was because the people of this country feared, whether rightly or wrongly I leave it to you to judge, because they feared there were certain special interests back of Speaker Cannon. That was why they took the power out of his hands. Does any one here mean to say that any special interest is behind our presiding officer, the officer presiding over this body? I do not think any man here would make that statement or believe it.

Mr. ELSON: Will you have the kindness to inform the delegates here why the rules adopted under Speaker Cannon have been retained under Champ Clark?

Mr. SMITH, of Hamilton: The rule was originally adopted under the conditions I have named, and each party perhaps that has come into power since has followed it, as these gentlemen so positively state, and I do not for a moment question their motive for stating it. But, nevertheless, they say if we depart from this custom we will be suspected of not being democratic. The success of democracy depends upon its efficiency; and we cannot have efficiency unless we have our committees appointed by one man, and a man who knows something of the capabilities of the delegates.

Mr. LAMPSON: It is your idea then that the success of a great convention like this depends upon a machine?

Mr. SMITH, of Hamilton: The gentleman has had a great deal of experience in legislative matters and I hope that he will not bring his very vast experience to bear upon one who is now making his first appearance in such a place. We will not have a partisan political machine here, but we will have an efficient machine to do the business we were sent here to do.

Mr. LAMPSON: I am not attempting to disconcert you at all. I simply put the question in reply to your statement that the success of democracy depends upon its efficiency. Now everybody knows that in politics, as well as in other things, the most efficient way to run things and get results is through what we call the bosses, the organized machines. That is not what we are here for.

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Mr. SMITH, of Hamilton: I claim there is no danger of this Convention being controlled by any boss, and I have the utmost confidence in the presiding officer. And for that reason I believe those gentlemen who have been standing by the member from Ashtabula [Mr. LAMPSON] for this committee scheme are mistaken. I think it will make endless confusion and tend to disconcert us. I believe that those gentlemen are fearing something that does not exist. I fear that they feel that this Convention is going along the lines of radicalism. Now it is my good fortune to estimate this great body of men a little differently from that. I believe we can make progress without being radical. I have great confidence in all the delegates and in the gentlemen here who have spoken on either side of this question.

Mr. ANDERSON: Did not the men who were in favor of Cannon use exactly the same argument when they wished to carry their point—along the line of efficiency?

Mr. SMITH, of Hamilton: I do not know what arguments they used. But I do know that the people who were behind Cannon were not apparently in favor of the people's interests; but we are here now in favor of the people's interests, and so is our chairman and we mean to fight for those interests to the end.

Mr. WINN: Gentlemen of the Convention: Had this question come to a vote this morning I would have been content to have kept my seat, and to have made no speech upon this subject, but now since you have all had a good square meal and a little rest, I believe you can stand it. I, too, regret that in the heat of the debate some of our members gave the appearance of being angry. But I think that was appearance only, and I shall not regret it if we have many warm, heated debates before we finally adjourn. I can not quite agree with my distinguished friend over here when he says that he has discovered a new czar. The facts of it are, I thoroughly believe, if our distinguished president made any mistakes, they were mistakes of his judgment and not of his heart.

Mr. LAMPSON: I am entirely willing to concede that.

Mr. WINN: But I was about to offer an explanation, which I think I should do. I was about to suggest to him and to those who think as he expressed himself, that the avocation of our distinguished president has not tended to an extended knowledge of parliamentary law, for indeed a man need not be skilled in parliamentary law in order that he may be qualified to preach and teach the Gospel of the Man of Nazareth; nor need he be skilled in parliamentary law to reach the throne of grace through the medium of prayer; hence his training has been different from that of my friend and my own. Nor can I agree with my friend on the other side of the house who comes from Cincinnati, where they do things differently from the way they are done in the northwest part of the state of Ohio where I live. I can not agree with him that it can be possible for those in the minority politically, on this floor, to do anything that will provoke those of the opposite party to forget why they were sent here. Now I am going to vote for this proposed substitute, and I am going to tell you why in just a few plain words. I am not going to vote for it because in that way I may deprive the president of the Convention

of something that I believe is his right. One or two days before we met to elect a president this resolution was prepared. I know that because I saw it, and I know it because I found it printed in the press of this city. It was submitted to another candidate for president and he submitted it to his friends, including myself, and in his room it was discussed. I believed in it. I believed that if Judge Norris should be chosen president of the Convention it should be known from the start that he would not appoint a single man on any committee, and he made the statement that was published in the press, which was to the effect that he favors without reservation the proposition to have the standing committees of the Convention selected by a committee representative of the entire membership. The delegate whose name I had the honor of presenting for consideration here then believed, as I did, and as his close friends did, that it would be Judge Norris whom we would address as president; yet, notwithstanding that, those who were gathered about him to further his interest stood ready to take from him at the very moment he stepped on the platform the right to appoint the committees, not because it was Judge Norris, but because we thought it was right. We believed this to be a progressive body; we believed we were not bound to follow the old order of things. As has been said here, the congress of the country has set an example and I thoroughly believe that when the last general assembly of Ohio finally adjourned we saw the last of any general assembly placing in the hands of the speaker of the house or president of the senate the right to appoint committees. Thus we are living in a progressive age, just such an age as we are talking about, and if my friend for whom I spoke on the floor of this Convention yesterday, were sitting where our distinguished president now sits, I would stand here voicing exactly the same sentiments I do now; the only difference being he would agree with me. Now how easy this is. How simple it is. If this substitute is adopted what will it do? We will call the roll of the congressional districts, and each congressional district will select some man, whom they will know to be altogether competent, to serve on the committee, and it will take just a few minutes to do that, and we will have our committee appointed. But some member said this morning, what will the farmers and business men think if we take two or three weeks in organizing this Convention? Why, God bless your soul, our president will not appoint them in the next ten days. If he does, he will do better than any speaker of any house of representatives ever did.

We will have our committee with our distinguished president at the head of it, and I am glad that that amendment was suggested. Then that committee will go out, each member knowing the peculiar qualifications of all of those who represent his district, and having first decided upon some rules of procedure, they will proceed to select their members. Why, are we to come up here under the guise of making an up-to-date platform, and adopting up-to-date methods, being progressive men, and then take a backward step at the very first? I hope not. I hope this amendment to the resolution will be adopted, and we will proceed with the work, saying to the people, "We believe what we have been preaching. We are practicing the doctrine that was enunciated from the platform during the campaign. We believed all of it,

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and we are going to do precisely what we have asked others to do."

Mr. CAMPBELL: Mr. President and Gentlemen: To me, sitting as a delegate upon this floor, it seems very surprising that certain views are advocated by some of the delegates to this Convention. The resolution offered by the gentleman now sitting in the chair [Mr. DORV] is claimed to be the one that this Convention should adopt because of two things. First, not to adopt it would be to take away from the president of this Convention something that inherently belongs to him and a power which this Convention has already invested him with. Well, as to that proposition, the mere statement of it carries its own answer.

This Convention has not endowed him with any power or authority except to preside over its deliberations. My friend from Cuyahoga, and my friends from Hamilton over there, and elsewhere, talk about taking away from the president of this Convention the power to appoint committees. Why, my friends, you have got the cart before the horse. He has never had it. The question for you to decide is, do you propose to surrender to him or to any other man—and I do not speak of surrendering to him because he is the president of this Convention; it would be equally true of any other gentleman occupying that distinguished position. The question is whether you are going to surrender to him that prerogative which belongs to you, and which you have not as yet surrendered to him or anybody, either by an understanding at a banquet at Cincinnati, pro or con, or anywhere else. So much for that proposition.

Another thing. They say that there is only one man in this Convention that has sufficient knowledge and ability to perform this important function, and the most important function that we have to perform in this body. Well, when did he become so suddenly endowed with that wisdom? Why, if by chance several gentlemen had voted another way, my friend Judge Norris or Mr. Anderson, or Mr. Fess, or Mr. Elson, would have been endowed with that function, would they not? You gave it to him, did you? That reminds me a great deal of electing a man justice of the peace in some rural district. He does not know law enough to last him across the street; but if you elect him justice of the peace, the next day after he is elected, he knows more than the supreme court of the state of Ohio, and the electors of that little township have so endowed him with that supernatural and sudden wisdom. Now, gentlemen, I will just put it, and you can take it home to yourselves, each and every one of you, there is not one of you, had this Convention elected you chairman, who would have been endowed with any different knowledge from that you now have. Now so much for your power, so much for your taking it away from somebody, and so much for the wisdom and ability you suddenly conferred on some man because you voted for him. The proof of the pudding is in the eating.

There is another thing, and that is efficiency. "Why, it is the only efficient way of doing things." Now that sounds idle and foolish to me. When did the hundred and nineteen members of this Convention become so suddenly divested of common sense, let alone a little wisdom, that they do not know enough to select twenty-two men who can judiciously appoint committees, that

you must delegate that power to one man because he is the only man who knows how to do it? Ah, gentlemen, they tell you we want to save time here. God knows I do. On the salary they pay us down here I don't want to spend any more time than I have to, and I come a considerable distance to perform my duties. But if twenty-two men, selected from the twenty-two congressional districts, or the twenty-one, with this man whom we have so suddenly endowed with supreme wisdom to help, can not do it and do it well, God save the mark, then we had better adjourn for good and go home and leave some man down here to do the work, and then along sometime near the Fourth of July, when he says he has the gun loaded, we will come down and shoot it off. That's all it means.

Now if this committee of twenty-two is going to take some few days in order to make proper selections representing this whole state of Ohio and all its diversified interests, needs and wants—if it is going to take a few days to do that work and do it wisely and well, Amen. I want them to do it and take the time to do it, and you expedite your work and you will give confidence to the people of this state that you are performing your duties with discretion and good judgment. Haste makes waste sometimes, and if it takes them a few days, let them take the time. If it is going to be done quickly by the chairman, if it is going to be fired right off the reel, now and immediately, my friends, farmers or otherwise, if we are to have a committee at once, I want to say to you that that committee has already been appointed, and is in somebody's vest pocket right now. Any kind of a committee, if it is ready to be appointed now, my friend from Hamilton, if it is now ready, it is chosen now and somebody knows who constitute it. Now if this Convention wants to give up one of its most important and sacred functions, it may do so by a majority vote; not by mine, however, and I have had some little experience. Ah, I have heard this talk about efficiency before. I have sat in that assembly, the greatest assembly that is known in this world, the American congress, and I sat with the majority, too. I sat with the majority before my old friend Uncle Joe Cannon, and I heard the same talk about efficiency. "Why you can't get legislation" and you can't do these things unless you delegate this power to some man sitting up there to do these things. Somehow, gentlemen, I don't know, you haven't had experience, all of you, in that direction. I have and I don't want any more, and I belonged to the majority, and I went there supposing that the majority could do all things, and do them well of course, and they put on the steam roller, and you found you hadn't any rights—for the sake of efficiency. I ask what was that thing efficiency? Somehow it struck me then, although I was with the majority, that I had some rights, that I had some duties, and that I had some responsibilities, and that they belonged to me as a member of that body, and I could not surrender them to somebody else and do justice to myself, and to my constituents, and I stood by the committee and I was an insurgent. I do not know what you call yourselves, all of you. I am not going to label you and I do not propose to have any man label me. I was what they labeled an insurgent because I demanded the right as a member of that body, that we as members should hold inviolate some of these func-

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tions, because we have got to be responsible somewhere. Ah, gentlemen, that old talk about efficiency is worn out and exploded. And who exploded it? It was the majority party right there and then that did it, and they had to do it for their own protection. And, gentlemen, whoever and wherever the majority is in this body, and we have no political necessities and difficulties here, you have got to do it here, if you are going to be that deliberative body that does something that meets not only your own confidence and respect, but the confidence and respect of the people of the state. I want the respect of myself. I have got to live with myself, I have got to go down the street with myself, to my room and lie in bed tonight and get up tomorrow morning, and I want to do this as a member of this Convention all during this term, preserving my own sense of self-respect, preserving and reserving it unto myself as a delegate not only for my county but, as has been well said, for the whole state of Ohio. I want to keep my self-respect this way. You can never do it by surrendering those important functions on any paltry, feeble excuses of efficiency.

Again, there are twenty-one congressional districts in this state. There is not a man on this floor, either in the chair or out of it, who knows the capabilities, the ability, the make-up, the education, the training, the power for efficient work in any other man in the body, except those of his own immediate neighborhood. In the little congressional districts of which you and I are a part, we know our neighbors, we know the half dozen men, we know every man, we know their training, we know their habits of thought, each and every one knows each other. Now, then, we shall select and can select out of that number a man who is efficient, and I use efficient now in its proper form, and in its proper way. We can select those men. When those twenty-two men get together, you have twenty-two men who know every other man in this Convention, and know their powers and abilities, etc., and they will give you these committees that will represent not only you, but represent this Convention and represent the people of the great state of Ohio, and they will do you credit. If you have any ability in your Convention to do it at all, they will do it credit. Gentlemen, now I beg of you, follow out in this matter that course which has been adopted by every deliberative body in the last year or two that is worth mentioning, I was going to say, in this country, that course which is now being pursued by them, to appoint their own committees and do their own legislation. Any other course which you pursue will be unsatisfactory to you and unsatisfactory to your constituents.

Mr. NORRIS: I desire to say to the members here that I have the utmost confidence in our president, and in his ability and in his fairness, and I believe that he would endeavor conscientiously to acquit himself of the delicate responsibility which this resolution would throw upon him, and I have confidence also in this Convention and in the members composing it upon this floor. The substitute to the resolution seems to be in the nature of a demand from this Convention to have the opportunity to acquit itself of the delicate responsibility of selecting committees to assist it in acquitting itself of the important duties which the people have entrusted to it. I therefore will favor the Convention coming first, the Convention and the members of this body having the

first right; I will therefore favor the adoption of the amendment to the resolution. I beg to state further that I protest against carrying politics upon this floor. This is not a place for a majority; it is not a place for a minority. The people, as I said to the distinguished gentleman, the president of this body, selected every member of this Convention, and each member of this Convention should respect every party and every interest and every citizen and every industry in this great state, and when we depart from that principle and speak or threaten the majority with that which we term the minority, we are stepping aside and laying down the very purpose which the people selected and sent us here to accomplish.

Mr. BIGELOW: Gentlemen of the Convention: It is true perhaps that a very large number, if not indeed a majority of the people, doubt the probability of our reporting back to them a constitution for which they will be willing to vote. Certainly it is a very prevalent sentiment, and we hear it frequently expressed, that it matters little what we do, since the draft that we submit is likely in any event to be voted down.

If this be true, success depends upon our ability to work together efficiently and thereby command the confidence of the people. Now what is there to interfere with such success? This is the danger, that the division which has been manifested here to-day may be worse tomorrow; that the spirit of faction which has flamed up in the debates of today may grow and grow until we soon resolve ourselves into two opposing camps. The division to be feared can not be a political one. It is quite impossible even, though one were to desire to do it, to draw any party lines in this Convention.

But another line may be drawn.

Your president was supported in the election of yesterday by a large and wonderfully solidified minority that stands in this Convention for a clearly defined policy. This minority is in agreement at least as to its support of an idea that is sincerely regarded by many of the delegates with disfavor and perhaps in some cases with uncompromising antagonism. Now the fear has been fostered by a resourceful lobby that because your president has devoted a decade of his life to the advocacy of this idea he may be expected to become in the chair a partisan of his cause. Not expecting the champion of an idea to be capable of presiding impartially over all groups in the Convention, the attitude has become in the very beginning one of attack and defense. With the Convention hardly twenty-four hours old names have been called, motives maligned, threats made, and all this supports the view of those who predict that our antagonisms will destroy us and that our work will go for naught.

The question that is before the house is one as to the manner by which the committees shall be organized. There is one principle which should determine us in the settlement of this question. Which of the two methods proposed will help to allay this spirit of faction and bring about the unity of purpose so essential to success?

Consider the effect of adopting the substitute resolution. This provides for denying to the president the power to appoint committees, placing this power in the hands of a so-called grand committee of twenty-one, to be chosen by the delegates according to congressional districts.

If there were no weightier argument against this sub-

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stitute it would be sufficient to call attention to its glaring defects. In the first place it is an artificial test that is to be applied, choosing men with reference to the districts from which they come and not with reference to their talents or qualifications for service. The selection of these committees should be made solely a matter of capacity. This substitute resolution makes it very largely a matter of geography. For example: There may be five delegates from a given district, three of these may be partisans of the president, two may be among his opponents. Now what will happen in that congressional district? The majority will control and one of the three supporters will be appointed. Yet it might be that no one of the three would be as capable as the other two. In Cincinnati there are two congressional districts. Of the nine delegates in this Convention from Cincinnati eight are in the first district; one only in the second. In one district a committee appointment would be made by eight men, in the other the appointment would be made by one man and he would be compelled to appoint himself. Yet I may say it without offense, because the friendship existing between this man and myself is such that I may freely state what is the fact, namely, that if qualifications are to be considered both the appointees for Cincinnati would have to be made from the first district.

But the chief argument against this substitute is not that it is an utterly grotesque and impracticable plan. The chief argument is not that the divided authority of this unwieldy committee would preclude any possibility of intelligent selections. The real objection to this plan is indicated by the motive in which it has been conceived. What is this motive? Let us speak plainly. The minority expects and fears unfair treatment at the hands of the president. The minority expects the president, if he is left the power to appoint the committees to punish his foes and pack the committees with his friends. The purpose of this plan, therefore, is that it furnishes some hope to the minority of protecting itself against this expected discrimination and perhaps the hope of emerging from this contest in the districts with an advantage over the president's friends. We may be too polite to say so, but every one understands that this substitute means that whichever side has a majority in a given district, that side will seize upon the representation of that district in the committee. No quarter will be given. None is expected or intended. There will be quick, sharp contests. There will be move and countermove. This roll call of the districts will throw the Convention into all the unseemly strife of a political contest. This strife will not make for peace. It will widen the breach that has appeared between us. It is just the course to pursue if it is desired to aggravate our differences and destroy our usefulness.

Now what of the other plan, to permit the president to appoint the committees? I have but one ambition now and that, as I said solemnly and truthfully when I assumed the chair, is to help draft a constitution of which our people will approve. What is our chance of doing that? The only chance in the world is that we should succeed somehow in striking down and driving out this spirit of division and uniting our members for the work in hand. 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.

If I am given the power to appoint these committees the appointments will be such as to completely disarm every foe we have, convert every opponent into a friend, and make of this Convention, which has spent hours now in acrimonious debate, a united body of men working together happily and earnestly for the glory of this great state and the greater freedom of all her children.

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. If I am given the power, I will go to the member from Marion, the member from Erie, the member from Franklin, and to all the rest who have opposed me; I will sit down with them as a friend and brother and I will try to find out on which of the committees they think they can render this Convention the most valuable service, and when I have learned that, these will be the committees on which they will be placed. And when I have completed the work there will not be one man left in this Convention that will harbor in his heart any lurking suspicion of me. I will make every delegate here believe in me. I will deserve and win, I will achieve and hold the loyal support of this Convention and when the delegates, all of them, learn to trust me, it will be impossible for them to distrust each other. Then they will be a united body and there will be hope that the work they do will meet the approval of a grateful people. Give me a chance to save the day. Give me the power to appoint these committees that I may not lose this opportunity of bringing order out of chaos and friendship and unity out of strife.

Mr. PECK: I move the previous question.

The motion was lost.

Mr. DWYER: I move the previous question.

The motion was carried, but not to take effect until after the remarks of Mr. Fess.

Mr. FESS: I certainly appreciate very greatly the courtesy that you have extended, because I want to make a statement in regard to a matter that occurred this morning that has been entirely misunderstood. There have been many references to what has been said this morning, and I should feel very much disappointed if any member of this Convention would go out of this room and think there was any attempt at filibustering; or there was any malevolence intended that was personal. There is no man on this floor that will defend the president more than I will. I will not only defend him as the president of this Convention, but also as a personal friend of mine. He has been invited into my town by myself, and he has spoken from a platform

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over which I presided. It was simply to determine whether proceedings were regular or not that I took the position which I did, and I want to say that I might have been misunderstood. I have not spoken on this question. I was wanting to say this, that I can readily understand why the chairman would want the right to appoint the committees; I can understand the purpose of that. It is easily understood that a person can become more effective from the standpoint of the chairman by having that power. I can also understand the ambition of my friend, the president, in desiring to have the opportunity to do what a good many people think he would not be able to do. I can understand that ambition. His heart is like mine. We are kindred in that. I believe he feels that he can settle the matter and at the same time settle it better than we can. Personally it would seem to me that the twenty-two members could establish conditions with less embarrassment to the president than the president himself. That was the position I should have taken. I can understand, gentlemen, that if we want to adopt the constitution outlined by the president of this Convention here, the method of the appointment of committees by him is the proper method. There can be no doubt about it. Upon the other hand, if we want to adopt a constitution made not from the outlines of any particular man, but emanating from this body of men, then it would seem that this body of men should be the one to appoint the working committees to bring it in, and the whole proposition is here. If we want to adopt a constitution from the standpoint of the president of this Convention, this would be the quickest way to do it. If, on the other hand, we want to adopt a constitution that is representing the one hundred and nineteen members, rather than one or two, then it would be legitimate that the Convention itself would proceed to appoint the committees. I am ready, so far as I am concerned, to take the president at his word. I want him to know that in the little difference this morning, and he does know, there was absolutely nothing except a little technicality in parliamentary proceedings; but it seemed to me that the rush of business here was in keeping with a little suspicion that some of us had that certain things would be put through here in spite of anything which the rest of us could do. That was my fear, and that was the only fear I had, and because of that I was insisting, and now insist and will insist every day that I stand on this floor, that everybody is to have absolutely a square deal.

I believe that President Bigelow will give it, and as far as I am concerned, I am ready to listen to his plea; to make this an opportunity of getting together, and if he does not do it, then he has the rest of us to fight.

Mr. LAMPSON: I desire to take the president at his word, and withdraw the substitute.

The question recurring on the adoption of Resolution No. 6, Mr. Evans, the resolution was adopted.

Mr. ROEHM: I offer a resolution.

The resolution was read as follows:

Resolution No. 7:

Resolved, That the president appoint a committee of five, to report upon necessary number of employes to assist the officers of the Convention in the performance of their duties, and make recommendations in reference thereto.

The resolution was adopted.

Mr. WORTHINGTON: I offer a resolution.

The resolution was read as follows:

Resolution No. 8:

Resolved, That the rules of the house of representatives govern the proceedings of this Convention insofar as applicable until the Convention shall adopt permanent rules.

The resolution was adopted.

Mr. EVANS: I offer a resolution.

The resolution was read as follows:

Resolution No. 9:

In order that this Convention may show its proper appreciation and respect for the old soldiers, therefore be it

Resolved, That it most heartily endorses the applications of Mr. Charles H. Walden, of Bailey Post, No. 312, Portsmouth, Ohio, as postmaster, and Mr. F. M. Gilman, of Buell Post, No. 178, of Marietta, Ohio, as assistant postmaster, and Mr. William F. Crites, of Ricksecker Post, No. 469, of Canal Dover, Ohio, as cloak room attendant, and Mr. John B. Lewis, of Norris Post, No. 27, G. A. R., Fostoria, Ohio, as assistant door-keeper, and this Convention does now make the appointments of the old soldiers as above indicated in this resolution to the respective positions for which they have made application.

Mr. Dwyer moved that the resolution be referred to the committee on Employees.

The motion was agreed to and the resolution was so referred.

Mr. EVANS: I offer a resolution.

The resolution was read as follows:

Resolution No. 10:

Resolved, That when the Convention adjourns it be until next Tuesday at 10 o'clock.

The resolution was lost.

Mr. ANTRIM: I offer a resolution.

The resolution was read as follows:

Resolution No. 11:

Resolved, That a committee of five on bibliography be appointed whose duty it shall be to supervise the work of preparing a list of the chief books, pamphlets and articles on a majority of the subjects that are to come before the Convention and with authority to have the same printed for the benefit of the delegates.

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

The motion was agreed to and the resolution so referred.

3:45 o'clock p. m.

Mr. LAMPSON: I move the Convention recess for fifteen minutes.

The motion was carried.

4 o'clock p. m.

The Convention met pursuant to recess.

Mr. LESLIE: I offer a resolution.

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The resolution was read as follows:
Resolution No. 12:

Resolved, That the rules of this Convention shall be as follows:

OFFICERS OF THE CONVENTION.

RULE 1. The officers of the Convention shall be a president, a secretary and a sergeant-at-arms. These officers shall be elected by a majority vote of all the members elected to the Convention. Any officer of this Convention may be recalled and another elected in his place, after two days' notice of such intention, and upon a majority vote of all those elected to the Convention.

DUTIES OF THE PRESIDENT.

RULE 2. The president shall take the chair every day precisely at the hour to which the Convention shall have adjourned or taken a recess, and shall immediately call the members to order.

RULE 3. He may substitute any member to perform the duties of the chair, but not for a longer time than one day, except by leave of the Convention.

RULE 4. He shall have general direction of the hall, and shall preserve order and decorum in the proceedings of the Convention; and in case of any disturbance or disorderly conduct in the galleries or lobby, the president or chairman of the committee of the Whole, may cause the same to be cleared.

RULE 5. He shall appoint all committees, unless it shall be otherwise ordered by the Convention, in which case the committees shall be appointed by a vote of the Convention.

RULE 6. He shall preserve order and decorum; may speak to points of order in preference to other members; and shall decide questions of order, subject to appeal to the Convention, on which appeal no member shall speak more than once, except by leave of the Convention.

RULE 7. When the Convention shall have decided to go into a committee of the Whole, he shall name the chairman to preside therein.

RULE 8. He shall vote on all elections and on all questions taken by yeas and nays, except on appeals from his decision.

RULE 9. All rules applying to appeals and votes thereon shall affect any member occupying the chair as if he were president of the Convention, but only for the time of such occupancy or upon questions arising during his occupancy of the chair.

RULE 10. The president shall sign all orders for the payment of salaries, mileage or other expenses in connection with the holding of the Convention and may prescribe such rules for incurring expenses as he shall deem wise, subject to modification by the Convention, which modifica-

tion shall be by resolution and upon a majority vote.

RULE 11. When the president is absent at the hour to which the Convention shall have adjourned, or taken a recess, except in the case mentioned in Rule 3, the secretary shall call the Convention to order, and the Convention shall proceed to choose some member to act as such president until the president or person designated to act under the provision of Rule 3, shall be present.

DUTIES OF THE SECRETARY.

RULE 12. The secretary shall keep a journal of the proceedings of the Convention and shall daily place upon the desk of each member a printed copy of the proceedings of the previous day. The same shall be considered the approved journal of the Convention, unless otherwise ordered thereby.

RULE 13. The secretary shall give to every proposal when introduced a number and the numbers shall be in numerical order and announced by the secretary at the time of introduction. He shall read such proposals by title. He shall cause all proposals immediately after introduction, to be printed in bill form, and shall place a copy thereof upon the desk of each member at the earliest possible moment. Each proposal after being printed shall be engrossed by the secretary, so that the line numbers of the engrossed copy shall correspond with the line numbers in the printed bills. The secretary shall preserve such engrossed copies and shall certify a true copy of such proposal, if favorably acted upon by the Convention on its second reading, to the committee on Arrangement and Phraseology.

RULE 14. He shall prepare and cause to be printed daily the Convention calendar upon which shall be set forth all the business scheduled; he shall cause a copy of said calendar to be placed upon the desk of each member daily before the time of meeting. He shall make up the calendar under the general rules of the Convention, and shall schedule all propositions under any one head in the order of their introduction or report to the Convention. Special orders for the day shall be scheduled separately and at the head of the calendar, showing the exact time for their consideration, the title if any, and the proposal number. Special orders for future days shall be similarly scheduled, but at the end of the regular orders for the next day. Announcements affecting the business of the Convention only may be included in the calendar at the discretion of the president and secretary.

RULE 15. The secretary shall prepare all orders for the payment of salaries, mileage and other expenses, ready for the consideration and signature of the president.

DUTIES OF THE SERGEANT-AT-ARMS.

RULE 16. The sergeant-at-arms shall have general charge of hall, galleries and smoking room of the Convention under the direction of

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the president and of the committee rooms under the direction of the secretary. He shall cause all such halls and rooms to be properly cleaned and ventilated. He shall enforce the rules as to admission to the hall and smoking room of the Convention. He shall sign all requisitions for supplies for the use of the Convention and its members. He shall perform such other duties as the president or Convention shall from time to time determine upon.

DUTIES OF THE MEMBERS.

RULE 17. Whenever a member is about to speak he shall rise from his seat and respectfully address himself to "Mr. President" and the president shall announce the member from the county he represents; and if there be more than one member from such county, then by adding the name of the member.

RULE 18. In all cases the member who shall first rise and address the chair, shall speak first; but when two or more members shall rise at once, the president shall name the member who is to speak.

RULE 19. A member may speak either from his seat, or from the seat of any other member, tendered him for that purpose, or from the secretary's stand.

RULE 20. No member shall speak more than twice on the same question unless by leave of the Convention, and he shall confine himself to the question under debate. This rule shall not apply to proceedings in committee of the Whole. He shall avoid personality.

RULE 21. Any member, while discussing a question, may read from books, papers or documents, any matter pertinent to the subject under consideration, without asking leave.

RULE 22. Any member may call for a statement of the question.

RULE 23. Any member may call for a division of the question, and the decision of the president, as to its divisibility, shall be subject to appeal, as in questions of order.

RULE 24. Every member present when the question is put shall vote, unless the Convention excuses him.

RULE 25. A request to be excused from voting, or an explanation of a vote shall not be in order, unless made before the Convention divides, or before the call of the yeas and nays is commenced. The member making such request, may make a brief oral statement of the reasons for making such request, and the question of excusing such member shall then be taken without further debate.

RULE 26. While the president or chairman is putting any question or addressing the Convention, no one shall walk across the hall.

RULE 27. When a member is speaking no one shall pass between him and the chair.

RULE 28. No member or other person shall remain at the secretary's table while the yeas

and nays are being called or ballots counted, except the secretary and clerks.

RULE 29. Any two members may demand the yeas and nays upon any question before the Convention divides; and, upon the call for the yeas and nays, the secretary shall call the names of members alphabetically.

RULE 30. Any three members may demand a call of the Convention, and when such call has been so demanded, the sergeant-at-arms shall permit no member to leave the hall of the Convention. The roll of the members shall be called forthwith and the names of all absentees shall be noted upon the journal. The sergeant-at-arms shall be despatched for all absentees and shall have power to take such absentees into custody wherever found, and bring them before the bar of the Convention.

RULE 31. Every member presenting a paper proposing matter to be considered in connection with the new constitution, shall endorse the same with a title which shall briefly set forth the subject matter or contents, adding his name. All such papers shall be called proposals and shall be presented under the order of business set apart therefor.

RULE 32. All roll calls of members shall be made in alphabetical order, except the president's name shall be called last.

ORDER OF BUSINESS.

RULE 33. Until January 21, 1912, and on Mondays thereafter, the order of business shall be as follows:

1. Presentation of petitions and memorials.
2. Motions and introduction of resolutions.
3. Introduction of proposals—counties to be called in alphabetical order, said order to be reversed each alternate time.
4. Reference to committees of proposals introduced on the preceding days.
5. Report of standing committees in their order.
6. Reports of select committees.
7. Resolutions laid over.
8. Proposals for their second reading and consideration as to substance by the Convention.
9. Report of standing committee on Arrangement and Phraseology.
10. Proposals for their third reading.

After January 21, 1912, except on Mondays, the order of business shall be as follows:

1. Proposals for their third reading.
2. Report of standing committee on Arrangement and Phraseology.
3. Proposals for their second reading and consideration by the Convention.
4. Resolutions laid over.
5. Reports of standing committees, in their order.
6. Reports of select committees.
7. Reference to committees of proposals introduced on the preceding day.
8. Introduction of proposals—counties to be

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called in alphabetical order, said order to be reversed each alternate day.

9. Motions and introduction of resolutions.

10. Presentation of petitions and memorials.

RULE 34. The order of business shall not be changed, unless by unanimous consent or a suspension of Rule 33.

RULE 35. Any matter may be made a special order for a particular hour of the day, by a majority of the members present.

RULE 36. Not earlier than one day after introduction all proposals may be committed to a standing committee or to a select committee appointed for that purpose.

RULE 37. All proposals shall be introduced in triplicate, one copy of which shall be for the use of the newspaper reporters of the Convention. Immediately after introduction the secretary shall cause said proposals to be printed.

RULE 38. After the report of any committee upon a proposal, said proposal shall be read a second time and considered by the Convention. This consideration shall be final as to substance but not necessarily as to arrangement or phraseology. After favorable action by the Convention, said proposal shall be referred to the standing Committee on Arrangement and Phraseology, and shall thereafter be read a third time in full, for final action of the Convention as to form only.

RULE 39. The interim between any two sessions of the Convention, on the same day, or between two or more calendar days, when the Convention shall so order, shall be termed a recess; and, upon re-assembling at the appointed hour, any question pending at the time of taking a recess, shall be resumed without any motion to that effect.

RULE 40. The hour to which the Convention shall stand adjourned from day to day, shall be 5 o'clock p. m. on Mondays, 1:30 p. m. on Tuesdays, Wednesdays, Thursdays and Fridays. Unless otherwise ordered no session shall be held on Saturdays.

MOTIONS AND QUESTIONS.

RULE 41. Every motion shall be reduced to writing, if the president or any member shall desire it.

RULE 42. When a motion is made, it shall be stated by the president or, being in writing, it shall be read audibly to the Convention by the president or secretary, before debate.

RULE 43. After a motion is stated by the president or read by the secretary, it shall be in possession of the Convention, but may be withdrawn, by leave of the Convention, at any time before a decision or amendment.

RULE 44. All questions, whether in committee or Convention, except privileged questions, shall be put in the order in which they are made, except in filling blanks, the largest sum or number and longest time shall be put first.

RULE 45. Questions shall be distinctly put in this form: "Those who are of the opinion (as the case may be) say aye," and after the affir-

mative vote is expressed, "Those of a contrary opinion say no." If the president doubt, or a division be called for, the Convention shall divide; those in the affirmative vote of the question first rising from their seats and afterwards those in the negative and the president shall determine by count, announcing the number.

RULE 46. When a question is under consideration, no motion shall be in order except the following, which motions shall have precedence in the order named:

1. To adjourn.
2. To take a recess.
3. To proceed to the orders of the day.
4. To lie on the table.
5. For the previous question.
6. To postpone to a day certain.
7. To commit.
8. To amend.
9. To postpone indefinitely.

RULE 47. After the secretary has commenced to call the yeas and nays on any question, no motion or debate shall be in order until a decision has been announced by the chair.

RULE 48. When a motion is made to commit, if more than one committee is suggested, the motion shall be put upon the committees suggested, in the order in which they are named; but a motion to refer to the committee of the Whole, to a standing committee, or to a select committee, shall have precedence in the order here named. A motion to commit may not be reconsidered.

RULE 49. A motion to postpone to a day certain, or indefinitely, being decided in the negative, shall not be again allowed at the same stage of the proposition.

RULE 50. A motion to adjourn being decided in the negative, shall not be again entertained until some motion, call, order, or debate shall have taken place.

RULE 51. The following questions shall be decided without debate:

1. To adjourn.
2. To take a recess.
3. To lie on the table.
4. The previous question.
5. To take from the table.
6. To go into the committee of the Whole.
7. All questions relating to the priority of business.

AMENDMENTS.

RULE 52. No motion or proposition upon the subject differing from that under consideration shall be admitted under color of amendment.

RULE 53. A motion to strike out and insert shall be deemed indivisible.

RULE 54. Substitutes for, and amendments to, proposals, may be printed in bill form as original proposals, but shall carry the number of the original proposals.

RULE 55. Amendments to proposals shall be made only in writing, and the form shall be, "I move to amend, proposal No.—, as follows:" after which follows the words of the proposed

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amendment, which shall set forth specifically wherein it is proposed to amend the pending proposal. The member may have the secretary read the amendment if he desires. The vote shall be directly upon the amendment. But one amendment to an amendment shall be allowed to pend at one time.

RULE 56. The laying of an amendment upon the table, or its indefinite postponement, does not carry to the table the proposition sought to be amended.

RECONSIDERATION.

RULE 57. A motion to reconsider a vote must be made by a member voting with the prevailing side, and such motion, to be in order, must be made within the next two calendar days of actual session of the Convention, after such vote was taken, and the same shall take precedence of all other questions, except a motion to adjourn.

RULE 58. The vote on any question may be reconsidered by a majority of the members present.

RULE 59. When a proposal is lost, and the vote is reconsidered, it shall not thereafter be committed to any other than a standing committee.

RULE 60. A motion to reconsider may not be reconsidered.

RULE 61. If a motion to reconsider be laid on the table it does not carry to the table the proposal.

PREVIOUS QUESTION.

RULE 62. The previous question shall be in this form: "Shall the debate now close?" It shall be permitted when demanded by five or more members, and must be sustained by a majority vote, and, until decided, shall preclude further debate and all amendments and motions, except one motion to adjourn and one motion to lie on the table.

RULE 63. All incidental questions, or questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided without debate, and shall not be subject to appeal.

RULE 64. On a motion for the previous question, and prior to voting on the same, a call of the Convention shall be in order; but after the demand for the previous question shall have been sustained, no call shall be in order; and the Convention shall be brought to an immediate vote—first upon the pending amendments in the inverse order of their age, and then upon the main question.

RULE 65. If a motion for the previous question be not sustained, the subject under consideration shall be proceeded with the same as if the motion had not been made.

QUESTIONS OF ORDER.

RULE 66. If any member, in speaking or otherwise, transgress the rules of the Convention, the president shall, or any member may, call him to order, and the member called to order, shall

take his seat if required to do so by the president until the question of order is decided.

RULE 67. All questions of order shall be decided by the president without debate; but such decision shall be subject to an appeal to the Convention by any two members; on which appeal no member shall speak more than once unless by leave of the Convention, except the member appealing who may speak twice; and the president may speak in preference to any other member.

RULE 68. If the decision be in favor of the member called to order, he shall be at liberty to proceed. If otherwise, he shall not be permitted to proceed without leave of a majority of the Convention.

RULE 69. If a member call another to order for words spoken in debate, he shall (if required by the president or the member called to order) reduce to writing the language used by the member which he deemed out of order.

THE COMMITTEE OF THE WHOLE.

RULE 70. When the Convention shall be ready to proceed to any order of the day, a motion to go into committee of the Whole on the orders of the day shall have precedence of all other motions, except to adjourn, to take a recess, and for the previous question.

RULE 71. In forming the committee of the Whole, the president shall leave the chair, and appoint a chairman, who shall preside and vote as other members.

RULE 72. In the committee of the Whole, proposals shall be read by the chairman, or secretary, and be considered by sections, unless it shall be otherwise directed by the committee, leaving the preamble to be last considered.

RULE 73. The body of the proposal shall not be defaced or interlined, but amendments shall be noted by the chairman, or secretary, on a separate piece of paper as the same shall be agreed to by the committee, and so reported to the Convention.

RULE 74. After being reported, the proposal and amendments of the committee shall be immediately taken up for consideration unless it shall be otherwise ordered by the Convention, and again be subject to discussion or amendment.

RULE 75. The rules of the Convention shall be observed in committee of the Whole, so far as the same may be applicable, except that it may not refer matter to any other committee; it may not adjourn; the previous question may not be enforced; the yeas and nays may not be called; a motion to postpone indefinitely may not be in order; a member may speak more than once. A journal of the proceedings in committee of the Whole shall be kept as in Convention, and all debates shall be reported in the same manner. Such journal shall be printed in the Convention journal, with proper designation.

COMMITTEES.

RULE 76. The standing committees of the Convention shall be appointed immediately and in the order and with a membership as follows:

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Arrangement and Phraseology.....; Rules
..... seven members.

RULE 77. Any member may decline to serve on any committee, if, at the time, he is a member of three other committees.

RULE 78. The first named member of any committee shall be the chairman, unless the committee, by a majority of their number, choose some other member.

RULE 79. No committee shall sit during the sessions of a Convention without special leave, nor shall employ a clerk at the public expense, without first obtaining leave of the Convention for that purpose.

RULE 80. The report of a minority of any committee shall be received, printed in the journal and treated as an amendment or substitute offered to or for the report of the committee.

RULE 81. All reports of committees shall be in writing and shall be signed at least by a majority of the members of the committee. Such reports when made shall be spread upon the journal forthwith. All reports of committees upon proposals shall be accompanied by all the papers in relation thereto that were referred therewith.

RULE 82. Any time after one week from the time when the Convention shall have committed any proposal to any committee, a report thereon in the meantime not having been made by said committee, the author of such proposal may, when no other business is pending and in any order of business, demand that such proposal be reported back to the Convention; and such demand when so made shall be deemed the action of the Convention, and the proposal is at once before the Convention subject to all rules of procedure as before; provided, however, that this shall not apply to a member whose proposal has passed its second reading and has been referred. The Convention by a majority vote may demand the forthwith report of any proposal that has been committed to any committee.

PROPOSALS.

RULE 83. All matters intended to become a part of the revised constitution shall be presented by a member of the Convention in the form of a proposal, and shall be in writing and shall be printed by title, number and author's name in the journal. Any proposal passed upon as to substance after its second reading shall be printed at length in the journal for that day; and any proposal that shall be passed upon as to form after third reading shall be printed at length in the journal for that day.

RULE 84. The regular order for proposals introduced in the Convention shall be as follows:

1. Introduction and first reading by title.
2. Printed by the secretary in bill form.
3. Reference to committee.
4. Report by committee.
5. Engrossment.
6. Second reading and consideration as to substance by the Convention.

7. Reference to standing committee on Arrangement and Phraseology.

8. Report of standing committee on Arrangement and Phraseology.

9. Third reading and consideration as to form by Convention.

RULE 85. Proposals shall be introduced in triplicate and shall be placed on the calendar and considered in the order in which they were introduced, unless otherwise provided.

RULE 86. All proposals shall be printed and distributed for the use of the members before the reference thereof, in the order in which they were introduced.

RULE 87. Before proposals are read the second time, they shall be ordered engrossed. The secretary shall engross all proposals so that the line numbers shall correspond with the line numbers in the printed proposals upon the members' bill books, as nearly as possible.

RULE 88. If, after any proposal has been read the first time, no motion or order for its commitment shall be made, it shall be committed to the committee of the Whole to be considered in its order, and the Convention shall decide when it shall be considered by the committee.

RULE 89. When a proposal is ordered to be engrossed, it shall be placed upon the calendar for its second reading for the second day following, unless the Convention by a majority vote otherwise orders, and the calendar for each day shall contain a list of all proposals for third reading on the succeeding day.

RULE 90. If a proposal has been amended prior to its second reading, the date and page of the Convention journal containing said amendments shall be noted on the calendar immediately below the title of the proposal.

RULE 91. When a question is lost on engrossing a proposal for second reading on a particular day, it shall not preclude a question to engross it for second reading on a different day. If on a division, the question on engrossing a proposal without including the time for its second reading, shall fail, the proposal shall be lost.

RULE 92. Unless otherwise ordered by a two-thirds vote of the Convention, proposals on the calendar for second or third reading shall be taken up and read in their order without a motion to that effect, and the question shall be "Shall the proposal pass?"

RULE 93. After the commitment and report thereon to the Convention, or at any time before its passage, a proposal may be recommitted.

RULE 94. Any proposal may be amended until the final vote is taken after third reading thereof. When a proposal is on its second or third reading any number of amendments may be made; but pending a motion to amend one part of the proposal, it shall not be in order to amend any other part of the proposal, unless the second amendment is necessary to a proper construction of the first. One amendment shall not

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prevent another in any other part of the proposal.

RULE 95. On the passage of every proposal at its second and third readings, and upon the final passage of every proposal, section, article and complete revision, the vote shall be taken by yeas and nays, and entered upon the journal, and shall be passed only on a majority vote of all members elected to the Convention.

RESOLUTIONS.

RULE 96. All resolutions, except such as relate to the business of the day on which they are offered, shall lie over one day before being considered.

RULE 97. Upon the adoption of a resolution involving the expenditure of money, or which determines or involves the right of a member to a seat in the Convention, the yeas and nays shall be taken and entered on the journal.

RULE 98. No resolution involving the expenditure of money, or which determines or involves the right of a member to a seat in the Convention shall be adopted, unless a majority of all the members elected to the Convention concur therein.

INDEX OF PROPOSALS AND RESOLUTIONS.

RULE 99. It shall be the duty of the secretary to keep an index record of all proposals and resolutions introduced in the Convention, showing the number, title and authorship of each measure, and the subject or matter affected thereby. Such index record shall be accessible at all times, when the Convention is in session to the members of the Convention.

DUTIES OF CLERKS AND STENOGRAPHERS.

RULE 100. The secretary shall have supervision, subject to the approval of the Convention, of all clerical work, and shall prescribe the duties of the clerks, pages and stenographers and their assignment to labor, and fix the hours of their employment.

COMMITTEE ROOMS.

RULE 101. The committee rooms of the Convention shall be under the control of the secretary, and by him, assigned to the various committees for their use.

COMPENSATION FOR EMPLOYES.

RULE 102. No extra compensation, allowance or perquisite shall be voted to any officer, employe, or appointee of the Convention, and this rule shall not be altered or suspended except on three days' notice, and by a two-thirds vote of all the members elected to the Convention.

PRIVILEGES.

RULE 103. During the session of the Convention no person shall be admitted within the hall of the Convention or within the smoking room thereof, except:

1. Members of the Convention.

2. Officers, clerks and employes of the Convention.

3. Accredited newspaper reporters.

RULE 104. No smoking shall be permitted in the hall of the Convention while the Convention or committee of the Whole is in session.

RULE 105. Any person who desires to appear before any of the standing or select committees of this Convention for the purpose of presenting arguments for or against any proposition committed to the consideration of any committee of the Convention, or pending before the Convention itself, or who desires to present arguments to any member or group of members of this Convention at any time or place, shall first register his or her name and address with the secretary of this Convention, together with all information as to the capacity in which he or she so appears, amount of compensation, if any, received for such service, and by whom said compensation is to be paid. Citizens who desire to present arguments to members in their own counties, may register their names and other information by mail. All records of the secretary provided for under this rule shall be open to the public.

RULE 106. The use of the hall of the Convention shall not, at any time, by resolution or otherwise be granted for any other than Convention purposes.

RULE 107. Reporters for newspapers and stenographers wishing to report debates or proceedings, may be admitted within the bar of the Convention by the president, who shall assign such places to them as shall not interfere with the convenience of the Convention, and the names of such persons so admitted, and the newspapers for which they respectively report, shall be announced by the president, and entered on the journal.

RULE 108. Upon complaint, in writing made by any member of the Convention, addressed to the president, that any reporter or stenographer so admitted, has abused the privileges granted him under the preceding rule, such complaint shall be referred to the standing committee on Rules for investigation, and such committee shall notify the person so charged of the time and place for hearing and if such accusation be sustained, such person or persons upon the report of the committee, shall be debarred from the privileges therein granted.

ORDER OF THE CALENDAR.

RULE 109. Proposals for their second or third reading, and all special orders, shall be placed upon the calendar in the order of priority in which the order is made.

RULE 110. Proposals for their second or third reading on a particular day, not reached on that day, shall be placed first on the calendar in the order of second or third readings of each succeeding day, until disposed of.

RULE 111. No proposal upon the calendar shall be taken up out of its order thereon, except by a two-thirds vote of the Convention.

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AMENDMENT OF RULES.

RULE 112. These rules shall not be altered except after at least three legislative days' notice of the intended alteration, and by a vote of a majority of all the members elected to the Convention.

RULE 113. No rule shall be suspended except by at least a two-thirds vote of all the members present; provided that Rule 108 shall not be altered or suspended, except as therein prescribed.

GENERAL RULES APPLICABLE.

RULE 114. Cushing's Law and Practice of Legislative Assemblies shall be received as a rule in all cases not provided for in the foregoing rules.

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

The motion was agreed to and the resolution was so referred.

Under the provisions of Resolution No. 6—Mr. Hoskins, the president appointed the following committee on Rules:

Messrs. Bigelow, Lampson, Winn, Hoskins, Doty, Shaffer, Leete.

Under the provisions of Resolution No. 9.—Mr. Roehm, the president appointed the following committee on Employes:

Messrs. Roehm, Hursh, Harris of Ashtabula, Tetlow, Weybrecht.

Mr. MARRIOTT: I offer a resolution.

The resolution was read as follows:

Resolution No. 13:

Resolved, That when this Convention adjourns on this day, it be until 1 o'clock p. m. Tuesday, January 16, 1912.

The resolution was adopted.

Leave of absence was granted Mr. Dwyer for January 16 and 17.

On motion of Mr. Lampson the Convention adjourned.