

FORTY-SIXTH DAY

(LEGISLATIVE DAY OF MARCH 2)

MORNING SESSION.

WEDNESDAY, March 27, 1912.

The Convention met pursuant to recess, was called to order by the president and opened with prayer by Rev. P. E. White of Columbus, Ohio.

The PRESIDENT: The gentleman from Scioto is recognized.

Mr. MCCLELLAND: Will the gentleman yield for about five minutes for a motion?

The PRESIDENT: Does the gentleman yield?

Mr. EVANS: Yes.

Mr. MCCLELLAND: I move to postpone the consideration of the subject now under discussion for five minutes.

The motion was carried.

Mr. MCCLELLAND: There are several facts to which I would like to refer. First, no speech exceeding thirty minutes in length has been made here that gave any light to the members beyond what was given in the thirty minutes.

The second fact is that we must protect ourselves against eight or ten members who constantly interrupt and take up all the time. The third fact is that there seems to be danger that some of these members may get their second wind and want to speak a second time on this subject, and I make the motion that hereafter speakers on the initiative and referendum be limited to twenty minutes each and that except for introducing amendments no member shall speak the second time.

Mr. DOTY: I think the member has overlooked the fact that the original author of this proposal has not yet addressed the Convention at any very great length and he ought to be allowed to make such explanations of his proposal as he might desire. I am not, however, in favor of cutting off any member who desires to talk on the initiative and referendum. There has been a good deal of time wasted, I know, but I think everyone who wants to speak on this matter should have a chance to speak on this very important question. At any rate, I think the chairman of the Initiative and Referendum committee, who has introduced the proposal, ought to have a chance.

Mr. WOODS: I am not opposed to limiting debate, but if you are going to limit debate, do it from the start of the subject. I want to say a few things on this subject and I don't know that I will take twenty minutes, but I may want over that. Several members have taken two or three hours, and this is an important proposition. We started in without limiting debate and we ought to go through with it that way. Then, when you take up the next proposition, if you want to limit debate I am with you, but you should be fair.

Mr. WATSON: I feel like Mr. Woods, that it is wrong to start to limiting debate at this time, but when we finish this subject I will heartily favor limiting debate.

Mr. HALFHILL: When any subject comes before

the Convention and we can have some idea of the scope of it, we can very reasonably fix a limit for debate, but we started in on this debate at a time when a number of us were unprepared. It was forced on us by unusual parliamentary proceedings and we had to enter upon it at a time when we didn't expect it and without any reasonable preparation, and to that extent there was some unnecessary time consumed. I have heard a number of criticisms of members who have taken more time than some thought they should have taken, but the time they took was justified by the circumstances. I want to inform every member here that we have a right to debate propositions, and I do not propose to be shut off from my right of debate. I imagine there are people championing this question who would like to have no questions asked and would like very much to have debate limited. I claim it is a right we have to investigate not only the question before us, but to investigate the validity of any man's argument by questions, and a man who refuses to answer questions on an important matter like this, at least before he leaves the floor or at some time during the debate, to a certain extent hides himself behind a parliamentary privilege, and I do not believe in such conduct. As was said by the president, this is the most important matter before the Convention. I regret that it has taken the time it has, but it is time well spent. We have had to thresh this out and we have had to thresh it out to the limit, and I don't intend by my vote to refuse a thorough examination. I believe this motion is entirely out of place.

Mr. ANDERSON: The gentleman from Auglaize [Mr. HOSKINS] indicated that he thought I took up entirely too much time and I think Mr. Doty agreed with him. I do not think Mr. Doty is in a position to consistently object to my taking up time. Most of my time has been taken up in answering questions, some foolish and some otherwise. Some questions are very important, and sometimes they disclose hidden defects. I believe this motion should be voted down. We are getting to an end of it anyhow. We are getting to where amendments and substitutes may be put in without requiring explanations. Forty or fifty have talked on this subject, and some others have not. Now give the others an opportunity. We are getting our salaries for that purpose, and I do not believe we should be shut off by any rule.

Mr. BOWDLE: I have not spoken on this question, but I want to be shut off for fear I will say more than I ought to.

Mr. LAMPSON: Can't you control that yourself?

Mr. BOWDLE: I will try. These are the days of telegrams, lettergrams, marconigrams, and now in Heaven's name, let us have some "speechograms." I believe the proponents of the Crosser measure can say everything that can be said for it now in twenty minutes. I do not believe there is a question before the Convention that ought to consume more than twenty minutes and I am in favor of the motion.

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Mr. BROWN, of Highland: I hadn't intended to speak on the question, but it seems to me that it is a question of justice. The gentleman who makes the motion has already had his say on this matter and many of the men from Hamilton county have had their say. Now some of the men who are yet to speak feel it is just as important for them to explain their opinions on this question as those who have gone before us, and I believe as a matter of justice to every man on the floor that he should have his rights. Nothing has been done to limit debate until debate is about two-thirds over, and it is unfair now to those who have not spoken to limit debate at this time.

Mr. MCCLELLAND: I speak on this question for two reasons. It has been insinuated that this motion was introduced by collusion with others. It was written out and produced simply in consultation with some of the common men who have not been speaking more than twenty or twenty-five minutes. Although I have had my speech on this subject, I spoke less than twenty-five minutes. I think in self-defense we ought to pass this resolution.

Mr. STALTER: As I understand the proposition the motion before the Convention now is the amendment of the gentleman from Ashtabula, and if this motion that the gentleman from Knox [Mr. MCCLELLAND] makes is carried it will limit debate on that amendment to twenty minutes; then, after that amendment is disposed of, there will be unlimited time to speak on the original proposition, that is the way I understand it.

Mr. HALFHILL: Is not there another substitute, and under the rule aren't they all under discussion?

Mr. STALTER: If I understand the rule, the amendment of the gentleman from Ashtabula [Mr. LAMPSON] is the only thing before the Convention.

Mr. STEVENS: It can not be said that I have taken more than my share of the time of the Convention. Neither is it true I have had my say on this question, because I have not. I am in favor of this amendment, but I would make an exception of the chairman of the committee, but there is no necessity in doing that. When a chairman of any committee, after occupying twenty minutes, has had something of interest there has never been a time in the Convention that the time would not be extended. So far as cutting off debate, we have a precedent against that. A great many men spoke on the liquor question and then they chopped it off and made a fifteen-minute rule. By the way, you missed the best speech in the Convention on that—it is still inside of me. I think in the interest of those who have something to say and those who want to talk without having anything to say, we ought to pass this motion and limit speakers to twenty minutes.

Mr. WOODS: I am in favor of this motion. I have not made a speech on this matter yet, but I am willing to limit my remarks to twenty minutes.

The motion was carried.

Mr. DEFREES: We have with us some young gentlemen from the high school in my town, Piqua, who are here to take notes to show the people there how the Convention is handled, and I would consider it a great favor to me and to them if you would extend the privilege of the floor to them.

Mr. BROWN, of Highland: I move that we extend to them the privilege of the floor.

The motion was carried.

Mr. EVANS: Mr. President and Gentlemen of the Convention: A rural delegate made a remark to me a few days ago, "We have heard the president of the United States, we have heard an ex-president of the United States, we have heard a gentleman who tried three times to be president of the United States, we have heard from two ex-governors and two real governors, and we have heard one United States senator." After this he said, "Heavens, I don't know what to do." Now, I say to you, I have listened to this debate on the initiative and referendum, this is the third week, and I believe I am in the condition of that member. I don't know what to do. My mind is a vacuity. I feel a good deal like Betsy Prigg, when she said to Sarah Gamp, "I don't believe there is any Mrs. Harris." I believe there are two members of this body who know there is one—that is I have gotten to a point where I don't believe there is any initiative and referendum, and if there is any I believe every member has a private one in his pocket, and whether it will ever see the light of day on the floor of this Convention or not, I don't know.

Now, I do not want to talk for any length of time, and I want to set a good example to those who in the future shall address this Convention. Therefore, I shall make my remarks very brief. Everybody is talking about Dickens. This is his centenary. One reference to Dickens has already been made and now I make another before I leave. Do you remember when Captain Cuttle inquired of his oracle, Jack Bunsby, why he permitted Mrs. M. Stinger to inveigle him into matrimony? Bunsby replied, "It all came from my going to her house to convoy your chest home."

Now, I say to you I think all of this trouble has grown out of the so-called Hartman House caucus. We had a committee. We had two meetings of our Initiative and Referendum committee. It was a committee of twenty-one, and the first meeting was spent in discussion, nothing else. The next thing, several weeks elapsed, and in the meantime the Hartman House conference took place, and then when we met again the Crosser proposal was put up. I will say there are five sensible men on that committee. I won't say a word about the others. I have made it a rule not to say anything disparaging about members of this body. I am sure there were five that were sensible. Unfortunately we have too many young men as chairmen. There is the gentleman from Cleveland [Mr. CROSSER] who is the chairman of the Initiative and Referendum committee; the gentleman from Trumbull [Mr. KILPATRICK], a chairman of another committee and the gentleman from Cincinnati [Mr. SMITH], chairman of another and all of them have the spirit of Rehoboam, the successor of King Solomon. You know Solomon was a very powerful monarch, and when he died his son Rehoboam succeeded and the question arose as to Rehoboam's policy. The old men got together and advised him to a moderate course, while the young men got together and advised him to a high-minded course. You will remember he took the young men's advice, and when he gave his answer what his policy was to be, he said, "My little

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finger will be as heavy on you as my father's thigh." You will remember as a result, he lost ten-twelfths of his people. The trouble in the Initiative and Referendum committee was that they tried the Rehoboam policy on us—that has made all the trouble. There was not any opportunity for discussion before the committee and in fact there was not any discussion of the subject in the committee. The result is you gentlemen have been inflicted with this debate now for the third week. I do not know what to think about the initiative and referendum. I have changed my views a half a dozen times while this debate has been going on, and I don't know where I am. I thought when I came to the Convention I would not vote for license, and I have done it. And now I am lined up with the delegate from Erie and I will have to remain with him to the end. I don't know but that, before I get through with this Convention, I may be over at the state hospital on West Broad street. I am not going to read anything of consequence, but I want to refer you to Proposal No. 258. I introduced that before the committee and asked to have it considered. You all have it in your books and you can turn to it and see it. I say that proposal expresses the true initiative.

Now I don't care particularly about the per cent. I provide that after a petition is presented to the legislature and the legislature acts upon it and enacts a law, the persons who signed the petition should have an opportunity to accept the law passed. There is no such opportunity in the Crosser proposal, so I think that the final form of the proposal ought to have in it a clause which would allow the people who framed the petition to accept the act of the legislature passed in response thereto. I insist on that, and I say this measure will not be sensible and complete until that is done. Then I add one more clause to my proposal in the book. It is section 4, which reads as follows:

Section 4. As soon as any petition for the initiative or referendum on laws has been prepared, a copy thereof shall be filed with the clerk of the courts in each county where it is to be circulated and published once a week for three weeks in all the newspapers published in the county. The petitions shall not be circulated personally, but left at places named in the newspaper notices, where voters can come and sign them. Counter petitions against the measures petitioned for may be filed, advertised and left for signatures at the places designated in the newspaper notices, and in such cases the percentages herein required must be over and above the number contained in the counter petitions.

I claim that this section, with Proposal No. 258, is the only correct form of the initiative. I will accept the four per cent if there is only the indirect initiative through the legislature. What is the initiative? It is nothing more nor less than an addition to or extension of the bill of rights. You propose to give a certain four per cent of the voters certain collective rights. The constitution may confer collective rights, and this is a case where collective rights are conferred. Now, I say when you give four per cent the right to initiate a meas-

ure and present it to the legislature and ask it to be made a law, if you do not give the same number of citizens opposed to that measure, the same rights of procedure and remedy, your measure is unconstitutional. I say that in view of the fourteenth amendment to the federal constitution, and in view of several other provisions in that instrument, and I say to you that the Crosser proposal, as it was introduced if it should pass this body and if the people adopt it, the first thing you would hear of would be that some person or body of persons had filed proceedings in the proper federal court to have the provision declared unconstitutional. And in my humble judgment it would be declared unconstitutional. Why? On the same ground or some similar ground that the Missouri supreme court took in passing on the amendment to tax mortgages the same as they are taxed in California, when that measure was attempted to be adopted in Missouri. You remember California adopted the proposition to tax mortgages, a measure that has been a curse to the state ever since, and when Missouri attempted to adopt the same madness it was supposed the people had adopted it, and a proceeding was had to declare the amendment not adopted, and the supreme court of Missouri held the measure not adopted, and in this manner, through the supreme court, the state of Missouri escaped having the same mortgage-tax system inflicted upon it that the people of California are now suffering from. I affirm that those who are opposed to any measure should know the instant it is brought before the people, and that they should have the same right to argue it before the people at once and to meet it by the same methods as those who represent the petitions. Suppose that four per cent of the voters favor a certain initiative and four per cent of the voters oppose the same identical measure; what rights have those who oppose? Suppose ninety-six per cent of the voters oppose the particular measure, what rights have they? They cannot under this measure as it now stands institute a counter petition, and they cannot circulate such counter petition, and they cannot go before the people and discuss it, and they have no right except to vote on it at the referendum election. I say that the proposed measure denies the rights of opportunity. Are you going to let the four per cent of the people—four per cent of faddists and troublesome people—annoy the people forever, and not let those who oppose them—the conservative people—bring the matter up and discuss it until they come to vote on it?

If you don't provide such a remedy your measure will be unconstitutional. What is the initiative and referendum? It is revolution. This state has existed for a hundred and ten years with a happy and prosperous people. Why is it that this measure is brought forward at this time? Why do they say after the state has been in existence a hundred and ten years that we must have this measure? I say to you, gentlemen, that if that article in the April number of Everybody's, by Frank Parker Stockbridge, is true and if this measure is simply introduced for the purpose of getting the single tax, I am against it root and branch all the time. But these articles, like Connolly's in the same number, are so overdrawn that there is not much reliance to be placed on them. I know that Connolly's article on the courts and judges is very much overdrawn, but if it is

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true that this proposal is to bring about the single tax, it is the duty of every citizen to oppose it. Why we have almost reached the single tax now, and I am astonished that the land owners and all farmers don't realize the position they are in today. We are almost to the single tax now, and I do not want to go any further. I want to leave it so that the legislature can control this thing.

The power of taxation is the greatest power in the government. It can do more harm or more good than any other power used by the state. The bad use of it can injure and destroy institutions, and the judicious use of it can benefit and build them up. I am in favor of leaving that power untrammelled in the legislature, and I have no patience with any movement that would undertake to limit the power of the legislature. The legislature is elected by districts and represents the people more fully, more completely and more perfectly than any four per cent of the body of the electors can that will be called upon to initiate a measure.

There is another objection I have to the Crosser proposal. I object to suspending any laws for ninety days. That four per cent of the electors should suspend a law enacted by the entire legislature is an abominable thing and never should be permitted to become organic law. Let the laws go into force without reference to any subsequent action. I am in favor of any law submitted to a public vote going into force on receiving a majority vote of those voting on it.

If men won't go and vote they should abide by the will of a majority of those who do. I am not in favor of any two-thirds or three-fifths rule in any body, either the legislature or the whole people. Let all be suitably notified and then let a majority of those voting on any subject settle the matter before the people. I think with these additions this would be perfect. I thank you very kindly for your attention.

Mr. LAMPSON: Is it not true that the article to which you refer in Everybody's Magazine, referring to the courts, is written by a critic of the courts, while the one referring to the initiative and referendum and the single tax is written by an initiative and referendum man and a friend of the single tax?

Mr. EVANS: Yes.

Mr. HALFHILL: I understand you to say that the four per cent which initiates the petition ought to be offset by another four per cent which might object to the petition?

Mr. EVANS: Yes; I think the four per centum initiative should be over and above any opposition.

Mr. HALFHILL: What kind of an issue would that raise, and where would it determine?

Mr. EVANS: An initiative petition would not be eligible for consideration unless it had four per cent over and above the counter petitioners.

Mr. TETLOW: Is it not true that Mr. Connolly, who wrote the article in Everybody's Magazine, is a lawyer who is criticising the bench and bar?

Mr. EVANS: I know considerable about the facts in the Connolly articles and am certain they are not true. I am familiar with that subject, and I believe that Stockbridge in writing his article, expressed his own firm convictions and that he believes them whether anybody else does or not.

Mr. DOTY: Did not Mr. Connolly express his firm convictions?

Mr. EVANS: Yes; but I don't have any confidence in his articles because I know a great many things he wrote therein are not true.

Mr. DOTY: Doesn't your opinion come from the fact that your sympathies are not with the articles Connolly wrote and you want to believe everything Stockbridge wrote?

Mr. EVANS: I have had some acquaintance with Mr. Stockbridge. I have had letters from him and I have written to him. I do not know anything about Connolly.

Mr. DOTY: You know him as a lawyer?

Mr. EVANS: No; I do not.

Mr. DOTY: Well, he is.

Mr. EVANS: There are lawyers and lawyers.

Mr. WOODS: There are many things that I want to say and I can not say them in twenty minutes, but I will get through as soon as I can.

Mr. DOTY: We will give you all the time you want.

Mr. WOODS: The first proposition is that I do not need to tell the members of this Convention that I am in favor of the initiative and referendum. I have stood on that platform and I have argued for the initiative and referendum and I have voted for the initiative and referendum when the president of this body was a lobbyist sitting up there by the post. But when a man says he is for the initiative and referendum that does not mean that he is for anything and everything you call the initiative and referendum.

The initiative and referendum are big propositions. There are lots of details to them. They are propositions, which, if carried to the full limit, will turn upside down our entire present form of government. There are some things wrong with our present form of government, and I will admit it. Nobody need tell me about it. There are things wrong and they ought to be made right, but when we undertake to do something that turns over a form of government that has been a success for more than one hundred years, I say we ought to go slowly. We ought to be careful and we want to know and understand just what we are doing when we do it. When I vote for the initiative and referendum, I am going to know what is in the proposal. I am going to understand it, if it is possible for me to do so.

In a few words I want to tell you the way I think the people of the state of Ohio ought to be provided with the initiative and referendum. I think this Convention has got far away from what a constitution is or what it ought to be. A constitution is not something to simply protect a majority of the people. A constitution is something that guarantees to every citizen of the state certain inalienable rights. That is the way the constitution starts out, both national and state, and I think all of the state constitutions. They do not protect the majority any more than they protect the minority, and every one of that minority.

It seems here that everything has been running on the proposition of the majority ruling. It is true the majority ought to rule, and while the majority is ruling the minority is entitled to certain rights, and those rights should be protected in the constitution.

Now, if you are not going to protect the minority

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then don't have any constitution at all. Mop it off from your book and don't have anything; do everything by the initiative and referendum. If that is what you want to do, let us do it. There is some argument for that proposition, but if you are going to have a constitution let us go upon the plan that that constitution takes care of the minority as well as the majority. My own idea is this: I believe that our constitution should provide and make it mandatory upon the general assembly to furnish the people of Ohio with the initiative and referendum. I do not think that these details should be in the constitution at all any more than the ordinary statute upon the statute book. I tell you every time you put a detail in the fundamental law of a state you are making a mistake. We may think that we are bright and we know some things, but the brightest of us knows but little, the brightest of us can see but a few days ahead. We don't know what we will be up against tomorrow. We can not foresee and take care of these things as they should be cared for. You take the initiative and referendum and provide for certain percentages and a whole lot of details and after you have tried this form of the initiative and referendum for a few years, after one election, you will find out there are many things about it that are not workable; you find out there are details that ought to be changed, and then how are you going to change them? You will have to amend your constitution to do it.

The constitution is supposed to be the basic law of the state and the statutes are supposed to be the details. That is what we have constitutions for and that is what we have statutes for. Matters that are merely temporary should be in statutes. The initiative and referendum proposal is full of temporary matters of detail. I say, if you do the wise thing you will simply provide, as I have provided in the proposal I submitted, No. 215, that the general assembly shall adopt a workable form of initiative and referendum. If it is adopted and proves not workable, then it is easy to change it. After trying it you will find out that this, that or the other thing is wrong and you can then correct it. You can even correct it by the initiative and referendum if you want to, but you are proposing to put all these things in the constitution of the state and I say it is a mistake. Those of you who are the best friends of the proposition are making a mistake and it is all uncalled for. Every time you put a detail in here you are making arguments that will be used by the voters of the state to kill it when election day comes around. I am willing to submit to a majority on this proposition. I have been told by the president of this body right here in my seat, he sitting in the chair next to me, that I could not dot an "i" or cross a "t," and I don't intend to try. But that is what the president of this body told me because I would not take my initiative and referendum from him.

Mr. THOMAS: Will you permit a question on that matter? In reference to your proposal I would like to ask you how you are going to compel the general assembly to enact such a law provided they don't want to?

Mr. WOODS: Let me read the last two lines of my proposal: "No member of the general assembly shall hereafter be paid any portion of his salary until such provisions are made." That will do the business.

Mr. THOMAS: Suppose that is done and suppose

the initiative and referendum proposal enacted into law is not workable and doesn't satisfy the people, how are the people to change it?

Mr. WOODS: Change it by the initiative and referendum, or by electing different members to the general assembly. You can't frame an initiative and referendum proposal here that can be workable until the general assembly enacts certain laws to make it workable. You can not put into this constitution all the workable details and you have not done it in any of the four proposals that have been submitted. You have to leave something for the general assembly. You must trust it in some things and you can not get away from it. You have to trust that body to do some things. So far as I am concerned, I am not afraid to trust them. I am not against the general assembly. I am not in favor of an initiative and referendum proposal that does away with the general assembly. I am only in favor of such an initiative and referendum proposal as will give the people of the state of Ohio a club, so to speak, that it may use when necessary, so the general assembly will give them what they want, and if it doesn't, they will have a way to get what they want.

I believe in representative government. I believe it is the way to have our laws enacted, and one of the best arguments I can cite in favor of it is the history of this Crosser proposal. You and I and a half a dozen men, just as wise as we think we are, may get together and absolutely agree that we want a certain law enacted and we sit down and put our desire in writing in the form of a bill. We all absolutely agree to it. We think we have it exactly right. We introduce that bill and go before the committee and somebody suggests inside of ten minutes something that everyone of us admits ought to go into the proposition. Under the form of the initiative and referendum submitted to this body, if that committee saw fit to amend that law that way, or in any manner you would have to submit to the people of the state two propositions. Suppose this very Crosser proposal introduced here had been proposed to amend the constitution by the initiative and referendum. What would have been the result? You have had four substitutes already, and would we submit the four propositions to the people? I understand there is a fifth one on the way. I think the fifth one is a pretty good one from what I have heard about it, though I want to see it before I say what we are going to do with it. But it does seem to me there are some things this body ought to consider. I had intended to point out several defects in the Fackler substitute, and there are many of them, but I won't waste the time because I understand a good many of them have been taken care of. If I understand the Progressive League of this state, and I understand most of the members of the Convention are members of it, one of your leaders is Senator LaFollette. I understand that your banner state to follow is the state of Wisconsin. If that is true, why don't you follow Wisconsin's initiative and referendum? Why don't you follow Senator LaFollette? Have we in the state of Ohio all of a sudden become more radical than he, and more progressive than Wisconsin? I am not against progress. I am not ashamed to be called a progressive, but I do not believe in turning upside down existing conditions all at once.

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I just want to read you a short extract that Senator LaFollette made in his Cleveland speech a short time ago in discussing this very proposition. This is what he said:

To start with we are in favor of nominating all candidates, not only to the legislature, but all candidates—why, even candidates for president—nominating all candidates, from president down to coroner, by direct vote of the people. That is one of the things that we progressives stand for, and then they are in favor, when you can't get a legislature to respond to your petitions and enact a piece of legislation that the people really need—we are in favor, we progressives, of a plan that will permit a certain percentage of voters in an assembly district or in a senate district to sign a petition for a bill that they think the people of the state ought to have, and when enough of the voters over the state to make a reasonable basis for such action—that is to be determined by the wisdom of the people of the state what that shall be, what that number shall be, but I think it ought to be pretty fairly well distributed over the state where it is an action that involves a state matter—that when a given number of them sign a petition attached to a bill that they think they ought to have enacted for the good of the whole state, and file that with the secretary of state, that he shall be required to print a pamphlet containing the bill, containing the petition, and containing four, five or six or eight pages, which shall be allotted to the friends of the bill, in which they can state their reasons for that bill becoming a law, and then assigning an equal space to those who are opposed to the bill, in which they can state their reasons for their opposition to that legislation, and then printing that pamphlet and sending a copy of it to every voter in the state of Ohio, and then provide that a certain period of time after that, say sixty days or ninety days, allowing plenty of time for the people to study that legislation, to read the newspapers' discussion upon it, to listen to the speeches that are made pro and con, to pass upon it, to vote either for or against that bill. Now, we believe that when a legislature shall have denied the right of the people to that legislation, and when they have had the opportunity for considering it, that they are intelligent enough to determine whether they ought to have it, and we are in favor, we progressive republicans, of giving it to them, if the majority of them vote for that bill under those conditions. We call that the initiative.

Senator LaFollette, in other words, believes it is time enough to take the matter up with the people after the general assembly has denied the right to enact that law, and can anybody in this Convention tell me why you should go around over the state with petitions petitioning for the introduction of a bill into the legislature? I see at least one man in this Convention who has been a member of the general assembly. He knows that you can get any sort of a bill introduced in the general assembly without any petition. Why, you can come down

here with bills supposed to make black men white and white men black and you can get a member to introduce them without trouble. What do you want to get out petitions to get bills introduced for? Senator LaFollette doesn't believe in it; he says it is time enough after the legislature has denied the right of the people, and I agree with him. He is correct. But all of these four proposals submitted provide that the bills shall be introduced in the general assembly after petitions have been brought out. It takes petitions to introduce them, and then the general assembly must within sixty days—why sixty days? Thirty days after it meets are gone before the boys get acquainted with each other. Thirty days were gone in this body before we got started to work, and if the general assembly does not pass those bills in sixty days, automatically they go to the people on the ballot, and if the legislature doesn't pass a bill in January or February and does pass it in March it still goes upon the ballot just the same. It makes no difference. After the sixty days according to this proposal, the bill has to go on the ballot just the same. It is one of the most ridiculous propositions I ever heard of. It may already be the law, under every one of these proposals, and still the bill goes on the ballot, and the people have to vote on it. Every man in the state may be voting for it and it then be a law.

The time of the gentleman here expired and was extended.

Mr. WOODS: I will try and not take up much time, but this is a big subject and many points have not been touched upon. As I said, I am an initiative and referendum man, and I want to vote for some good proposal. I don't want to go home and have my people call me a fool and a man of no intelligence, one who would vote for any proposition introduced. No man can vote for either one of these proposals without being a fool. I don't know who you have had drafting these proposals—I don't know anything about it, but there is something funny about your whole proposition to me. I can not understand it. Sometimes I think that the men back of this proposition do not want the initiative and referendum at all, and I will say right at this minute I am not satisfied that the men back of this thing want it. I have known lobbyists down here who were paid by the year, and they didn't want the thing passed that they were lobbying for, because when they got it they lost their jobs.

Mr. JONES: Was that Wayne B. Wheeler?

Mr. WOODS: I am not naming anybody. Senator LaFollette ought to be good authority on the initiative and referendum, and if you want initiative and referendum why not take the Wisconsin plan? Why not get something that has been tried, get something that has been used in a state just like our own state?

Mr. DOTY: As a matter of correction, I think the member is mistaken. Wisconsin has not the initiative and referendum. The proposal is only pending.

Mr. WOODS: It may be. I stand corrected.

Mr. DOTY: They have not had any more experience than we have had.

Mr. WOODS: I stand corrected. Now I challenge any man to deny the statement that if the general assembly doesn't pass the law in January or February, it goes on the ballot even though it is passed in March.

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Look at every proposal; no one can deny that. It is the same under all of them. Now is not that ridiculous? What sort of men are we to put such a thing in the constitution of a state and then go back home? Certainly some of us will have to move out of our counties if not the state if we do such a ridiculous thing as that.

Not only that, but your proposal provides that after the petition and proposal come down here, signed by the four per cent, if the general assembly makes any amendment to the law, it has to submit the competing bill to the people with the original bill. The original bill sent up under the petition must go before the people if it is changed in any way.

Suppose this very Crosser proposal had come down here by way of the initiative and referendum. It has been amended by substitutes four times and it will probably be amended twenty-five more times before it gets through. Now how many propositions would go to the people—two or nine or how many? Who is going to determine how many, and who is going to determine in what form, and if you submit two propositions how are you going to fix up your ballot so that the people who are not very intelligent can vote on it? You will have at least two competing propositions and you can not let them vote for both of them. You have to give them a chance to vote against them and how can you fix your ballot so it can be understood?

Mr. FACKLER: If the ballot is prepared under the Washington plan so that opportunity is given to vote for either or neither or for one or the other, does not that obviate the difficulty?

Mr. WOODS: It obviates it so that you and I can understand it, but some men can not understand it.

Mr. DOTY: Do you think it is extraordinary?

Mr. WOODS: Let me illustrate. I was the author of a bill in the general assembly known as the public utilities bill. That bill was in a good many forms before it was finally buried. It contained forty-nine pages of printed matter. Suppose we had the initiative and referendum—I think I could have made a law out of that proposition with the initiative and referendum, but suppose I would have had this sort of the initiative and referendum that you propose to enact, what would have been the result? That proposition would have been submitted to the people, if at all, in the form of at least two bills, and think of what it would have cost the people of Ohio to submit that to the voters of the state, and it would be all uncalled for. Now have you ever stopped to consider the expense?

It costs \$30,000 for postage to mail a letter to each voter in the state, and if you allow our lady friends to vote it will cost \$60,000 to send a letter to each. Now that doesn't include anything for addressing or writing a letter or the envelope or any of that sort of things. Now there is no use of sending anything more than you have to send. Let us get down and save every dollar we can. I don't believe in absolutely throwing away the people's money and it looks as if that is what we propose doing. I don't know whether you have any printers in this deal or not, but I am satisfied there are some fellows mixed up here who have no business in it and they have no right to say to the people of the state of Ohio what should be in the constitution and what should not be.

Sometimes I wonder if you have not made a deal with the newspapers. There will be a lot of publishing to be done, and a lot of it is useless. The people of Ohio have to pay for it and they pay for the printing at the legal rate. One of the biggest steals ever perpetrated is that perpetrated by the newspapers in charging for advertising under the legal rate. I guess that is the reason some of the newspapers are supporting this proposition. Almost every county in the state has some little newspaper that couldn't exist but for the legal advertising it gets.

Now I say to you if the majority will cut the direct initiative out of this proposal and will get down to something that has some sense in it, a lot of us will be for it who otherwise could not be. If anybody can tell me why a bill should be initiated without going to the general assembly I am ready to listen to it. I have not yet heard one reason why that should be done. I have never yet heard one reason why these bills should be put out before the people before they have been introduced in the legislature except to help the printers get a lot of the people's money. If any man in this house can tell me why we should not simply provide for the initiative upon the bill after the bill has been introduced in the legislature and refused, I want to hear it. What is the use of voting for something when not a soul on the floor has told us why we should do it?

Mr. FACKLER: Are you in favor of the presidential preference law?

Mr. WOODS: Yes.

Mr. FACKLER: If we had the direct initiative in this state there is but a small probability that the presidential preference law would not have been initiated and voted upon at the last election, and you would have had it upon the statute books. Are you not certain of that?

Mr. WOODS: I don't think so.

Mr. FACKLER: You would have helped to initiate such a law?

Mr. WOODS: Certainly I would, but you could have gotten the same thing if you had introduced the bill in the legislature and you would have saved a whole lot of money.

Mr. FACKLER: But is it not a fact that public attention was not directed to that particular matter until they came to the discussion and then, although efforts were made to get an extra session, it was not called.

Mr. WOODS: I think Senator Stockwell introduced such a bill in the senate?

Mr. FACKLER: But it was not passed.

Mr. WOODS: But could not you have initiated that bill and had the people vote on it?

Mr. FACKLER: When? At that time?

Mr. WOODS: We could right now in a general assembly.

Mr. FACKLER: There is a limitation as to the time within which bills must be initiated that have been presented to the general assembly, and that could not have been done last summer under the Wisconsin plan with the Stockwell bill.

Mr. WOODS: Why?

Mr. FACKLER: The limitation of time had expired.

Mr. WOODS: You are speaking of something that doesn't often occur? It was simply an unfortunate matter.

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Mr. FACKLER: And other matters that may arise may be just as unfortunate so far as the general public is concerned, and if they have the remedy of the direct initiative, and there is a demand for the law, they can get it under the direct, whereas they would be denied under the indirect.

Mr. WOODS: I suppose they could, but with this Crosser proposal as it now is in the constitution, do you want to tell me that you could have the presidential-preference law on the statute books by way of vote?

Mr. FACKLER: Under the direct initiative.

Mr. WOODS: How could you get it?

Mr. FACKLER: File a petition for the direct initiative.

Mr. WOODS: When would they have voted on it?

Mr. FACKLER: Last November election.

Mr. WOODS: When would you file the petition and with whom?

Mr. FACKLER: With the secretary of state.

Mr. WOODS: How long before the election?

Mr. FACKLER: Sixty days.

Mr. WOODS: Then that would take you back into September.

Mr. FACKLER: September.

Mr. WOODS: When did the legislature adjourn?

Mr. FACKLER: In May.

Mr. WOODS: You want to have the direct initiative in order to take care of that little short of two or three months between the time the general assembly adjourns and the first of September?

Mr. FACKLER: That would apply only to that particular question, and yet under your plan of the indirect initiative only once in two years could matters of legislation be submitted to the people. There would be a period of two years when nothing could be submitted.

Mr. WOODS: I do not agree with you on that. I do not believe in submitting matters at a general election. If a matter is worth submitting at all it is worth submitting at a separate election, when the people have an opportunity to study it and examine it. I do not believe in making laws when we are all stirred up over political matters.

Mr. DOTY: Would not that increase expense?

Mr. WOODS: I don't care if it does.

Mr. DOTY: I do.

Mr. WOODS: When we are justified in doing a thing I am in favor of doing it rightly. I am opposed to increasing expense unless we are fully justified in doing it. That is what I am kicking about.

Now, another matter I want to call attention to. Governor McGovern, of Wisconsin, has explained all about the initiative and referendum and he agrees with Senator LaFollette. He is not for the direct initiative. He wants a bill to be introduced in the general assembly first.

Mr. ANDERSON: And is not what you refer to by Governor McGovern the same that was recommended by Mr. Roosevelt when he spoke to us?

Mr. DOTY: I am glad to find out what he recommended at last.

Mr. ANDERSON: He recommended that if he recommended anything.

Mr. WOODS: Now there are a whole lot of defects in the initiative and referendum proposal that is sub-

mitted to us. I understand there is a new one drafted, but I have not seen it. I have been told of some of the provisions in it and I am told the direct initiative is taken out. If so, well and good. I have been told that several defects have been taken care of, but I am going to call attention to a few defects in this and do it quickly so that you may know that none of the proposals that have been submitted to us yet will stand close scrutiny and analysis.

Mr. DOTY: Are you referring to the Crosser or to the Fackler proposal?

Mr. WOODS: To the Fackler proposition that is before the Convention right now. In the first place there has not been anything in the initiative and referendum proposal submitted thus far that will take care of this matter: I want some friend of the measure to tell me what the result would be if any of the four proposals become a law. What effect will it have upon the provisions in the present constitution placing limitations upon the power of the general assembly? Take, for instance, this provision in article XIII, section 2: "Corporations may be formed under general laws, but all such laws from time to time may be altered and amended," etc. Now suppose a petition is circulated in the proper way incorporating a company. It gets on the ballot and the people vote on it. Is that company incorporated then or not?

Mr. DOTY: What do you say?

Mr. WOODS: I would like to know. I want somebody to tell me.

Mr. DOTY: Have you heard any friend of the initiative and referendum, or anybody else who claims to be a friend, maintain that there is any provision in this proposal that sets aside the inhibitions in the constitution as long as they stand?

Mr. WOODS: It doesn't say anything about it.

Mr. DOTY: Is it necessary?

Mr. WOODS: I think so.

Mr. DOTY: I am not a lawyer, but I know enough about it to know that it is not so.

Mr. WOODS: After looking at this thing I think some who are lawyers had better go and study law.

Mr. DOTY: Then you agree that the lawyers might study law with advantage?

Mr. WOODS: I certainly agree with you on that.

Mr. KNIGHT: The constitution inhibits the passage of certain laws, and there is nothing in this proposal which does anything more than provide a method of passing a law. What sense is there in the suggestion by query that the gentleman makes to the effect that the people by the new method can do something which the constitution prohibits anybody from doing?

Mr. WOODS: The constitution does not prohibit anybody from doing it. It prohibits the general assembly.

Mr. DOTY: It does not say general assembly.

Mr. WOODS: It does. The first section says "The general assembly shall pass no separate act conferring corporate powers." There it is. Then those provisions would not apply to the people enacting laws or amendments. Why don't you take care of these things? I may not be right as to it. There may be some question about it, but there should not be any question. It should

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be put in such shape that there will not be any question, and two lines in there will take care of it.

Mr. FACKLER: Are you in favor of putting a provision in here saying that the people shall never enact a law conferring corporate powers?

Mr. WOODS: No.

Mr. FACKLER: You are willing to trust the people on that question?

Mr. WOODS: No. You don't catch my point yet. What I want to know is, where we are going to be? I say to you if you pass your Crosser initiative and referendum you don't know. You never will know until the matter has been carried up to the highest court in the land. I would take care of it right here. I wouldn't have any question. Doubt could be avoided by the insertion of two lines.

Mr. FACKLER: You have no doubt, however, that the people would never pass any special act conferring corporate powers?

Mr. WOODS: I don't know whether they would or would not. If you put on your ballots as many propositions as have been submitted in Oregon they are liable to get something of that kind. I don't know what they will do.

Mr. DOTY: The member's time having again expired I move to extend it twenty minutes further.

Mr. WOODS: I am willing to quit.

The motion was carried.

Mr. STILWELL: May I suggest one question? Is it not true in the past, in all important matters of legislation, that the people have never known where they were until the matter was decided by the highest court of the land?

Mr. WOODS: That is about right.

Mr. FACKLER: What is the difference when that has been true under representative government and the legislative plan and the proposed plan?

Mr. WOODS: There is just this difference: In a line and a half or two lines we can fix it so we will know where we are and if we don't fix it we won't know.

Mr. FACKLER: As a friend of the measure why have not you previously suggested it to the author of the friends of the measure instead of keeping it to yourself and taking so much time on it now?

Mr. WOODS: Why, my friend, the president of this Convention, the original proponent of this proposition, the only man who has any right to say anything about this matter, told me that I could not dot an "i" or cross a "t." There are men right here who heard him say it. That is one of the things I am kicking about, and I would like to have about two hours to talk about the president of the Convention and this matter.

Mr. HALFHILL: There may be a point on which you are mistaken. I direct your attention to an inquiry made of the member from Summit [Mr. READ] and the member from Auglaize [Mr. HOSKINS] whether any of the inhibitions of the constitution reached to popular legislation and they have contended that those inhibitions do not reach to and do not bind popular legislation.

Mr. WOODS: I am not answering the question positively, because I don't know. I say I don't know and I don't believe anybody else will know until the court passes upon it.

Mr. ANDERSON: Take your book on "The Initiative and Referendum," page 44. Judge Taggart called my attention to it. The Wisconsin measure contains this language: "The limitations expressed in the constitution on the power of the legislature to enact law, shall be deemed limitations on the power of the people to enact laws."

Mr. WOODS: That is right. I don't do this to criticize, but because I can not myself amend. I don't dare to offer an amendment and it takes me three weeks to even get the floor.

Mr. DOTY: Didn't you have a chance to get the floor last Friday?

Mr. WOODS: Yes, when you were not here, but I wanted to say some things to you when you were here.

Mr. DOTY: That is the reason I got your time extended.

Mr. WOODS: I appreciate it. Now there are some other provisions that attention should be called to. You can put a good many provisions in here that I will stand for, but I am criticising these thing because I want to make them right. That is what we are here for, and I want to do it. I wish I could help you, but I have no right to do it. Take the matter of percentages. I don't know why you are coming in here for a four per cent proposition. I will vote for it if I can't get any better, but you are making mistakes, and if you stop to think about it you know you are. I do not believe that four people out of a hundred should chase the other ninety-six around. It is all Tommyrot. I don't know what is the matter with some of you here, but there are about forty men in this Convention who would stand on their heads if the president of this Convention would snap his finger. I think it is time for you to remove the scales from your eyes and think for yourselves. This is a constitutional convention of the state of Ohio. We are supposed to be men, and to do a little thinking for ourselves. Talk about bosses and bossism! There is something about Cincinnati that produces bosses and I can't understand it. You got away from George B. Cox and you go right into the hands of Herbert Bigelow. One is a saloonkeeper and the other is a wet preacher. It is time to wake up and I say it to you in all seriousness.

Now this Fackler proposal is ridiculous on the matter of signatures. Right here in the city of Columbus there are forty-four George Smiths in the directory. Under the Fackler proposal all they have to do is to sign George Smith, Columbus, Ohio. How can anybody look that up and tell whether those are bona fide signatures? Why didn't you take the California law and fix that up as it ought to be? If I am a candidate for justice of the peace in the town I live in I have to get a petition, and the signers on that petition have to give their residences and the date they sign it, and here you amend the constitution of the state we live in and you just let them give their city. What sort of a thing is this? Are we amending the constitution and doing it with our eyes shut? It is ridiculous, and I say stop and think before you vote for it. Those signatures may all be with a lead pencil. Is amending the constitution of the state of Ohio such a slight matter that a lead pencil signature should go?

Now this matter of percentages should be taken care of by raising the percentages or providing against ped-

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dling the petitions. I am not particular which way you do it, but I suggest for your own good, if you want the sane, sensible people to vote for it at the polls, you had better remedy this one way or the other. This Fackler proposal provides that the petitions shall be "presented" to the secretary of state, simply presented; take them down and say, "Here, Mr. Secretary of State, are some petitions," and then you can take them away again. There is nobody to determine whether there is a proper number of signatures on them, and nobody can possibly know that or find out. Why don't you provide that it shall be submitted to the county board of deputy supervisors of elections and let them certify how many petitioners are bona fide and then send them to the secretary of state, so that the secretary of state will know something about them? I don't believe our secretary of state knows quite all the people of Ohio. He has no way of telling who are electors and who are not.

Another thing you have not provided in a single place in this proposal who shall canvass the vote and determine whether the proposition has or has not carried at the polls. What are you going to do, go to a lot of expense and hold your elections and then have no way of determining the result? There is no getting out of this at all.

Mr. THOMAS: Is not that authority already conferred on the secretary of the state?

Mr. WOODS: No, sir; it is not. It says this shall be self-operating, but some things are not self-operating, and this is one.

This proposal should provide that the county board of deputy supervisors of elections should certify the result to the secretary of the state and that he should canvass and announce the result. You have had a lot of boys working on this and school boys too.

Returning a minute, look at that sixty-day proposition. There is not a man in the Convention who will not admit that it is ridiculous that the general assembly should pass on the matter in January or February and if the bill is not passed, it then goes on the ballot whether or not the bill is passed later on. There is no reason why you should not give the general assembly four or six months.

Another thing I want to call your attention to: Your emergency section is as bad as anything can be. You except tax-levied appropriations. What are tax-levy appropriations for the state? Why we make a levy of something a little over a mill—1.345 I believe—and that is used for school and university purposes. The state penitentiary and state officers' salaries and every insane asylum and all the schools for the blind and deaf, and every state institution except the state universities, are supported by appropriations made by the general assembly from money not raised from tax levies. Are you going to let six per cent of the people get out referendum petitions and stop all of these? Suppose a few of us up in the city of Cleveland want to stop the penitentiary doing business down here. All we have to do is to get out a petition.

Mr. DOTY: As a matter of fact that should be "an."

Mr. WOODS: I am reading it here as you have it.

Mr. DOTY: I am reading it in the journal.

Mr. WOODS: Then the journal is one way and the bill is another.

Mr. DOTY: That often happens. It even used to happen when I was clerk here.

Mr. WOODS: Now just a word about the single-tax matter. Some members have tried to make us believe there was not anything in the single-tax proposition. I have been surprised that there are as many singletaxers in the Convention as there are. If anybody had told me that there was any danger from anything like that in the state of Ohio I would have thought they were foolish, but I tell you I have begun to think there is something in it, and I say further, if you don't believe it read that article by Stockbridge in Everybody's. I know Frank Stockbridge. And so does Mr. Doty. I know he is a singletaxer. I have talked with him within the last two months about the president of this Convention and you can not tell me he is not friendly with Herbert Bigelow. And he says that Bigelow is a singletaxer and he is one too. Now if they want to get the initiative and referendum for the purpose of getting the single tax, I would be against the initiative and referendum, and if we can not fix this initiative and referendum so that they can not get the single tax by it I am going to vote against it. I don't care what else you vote against. My mind is made up on that proposition. My mind is "closed," if you please, but I didn't close it until I got here.

Mr. DOTY: You were a little late coming here.

Mr. WOODS: Take the history of this whole proposition. I would like to put into the record this whole article by Mr. Stockbridge, but it takes too long. I am not going to do it, but it shows that single tax is one of the things they are after. Now I am against the single tax. I want to vote for the initiative and referendum and I want to vote against the single tax, and if I can't vote against the single tax, I will not vote for the initiative and referendum at all. If our friend, the president of the Convention, didn't want this initiative and referendum for the purpose of getting the single tax, when the gentleman from Ashtabula [Mr. LAMPSON] offered his amendment preventing it being used for that purpose, why didn't our friend, the president, take the floor and say, "I don't want to get the single tax; put in your amendment." Instead of doing that he has been lining up men right and left. He has been threatening members, and he threatened an employe, that if they did not vote against that amendment what he would do.

Mr. DOTY: Are the employes going to vote?

Mr. WOODS: No. You don't want me to go any further into that do you?

Mr. FACKLER: If he doesn't, I do. I want you to explain that statement.

Mr. WOODS: I say to you, Mr. Fackler, that the president of this Convention has threatened certain members of this Convention that he will expose them through their home newspapers if they don't come across.

Mr. FACKLER: Explain the "employe."

Mr. WOODS: I don't care to name anybody, but I can tell you where you can find out all about it.

Mr. FACKLER: I think I know what you are referring to and I know it has no foundation in fact, and you should not refer to it.

Mr. WOODS: I think I got my information as straight as you got yours.

Mr. FACKLER: Then I ask you to give it. You are

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making a charge in a public body and I want you to substantiate it publicly.

Mr. STEVENS: I rise to a point of order. This racket between rival candidates for congress up in that district should be fought out before their prospective constituents rather than before this body.

Mr. WOODS: I want to say that that applies to other candidates for congress as well as ourselves. Not only that, but a certain member who has been a candidate for the general assembly has been threatened that he would be defeated if he didn't come across on this proposition. I understand there were two of them—not only that, but the president of this Convention has suggested to a member of the Convention who was for the Lampson amendment that if the proposition involved in the Lampson amendment went in, what? That he had lost all that he was fighting for. Well, what was he fighting for? The single tax.

Now I have a letter from the president of this Convention that was written to me last summer, asking me to be a candidate in my county for delegate to this Convention. I am not going to take time to read that letter, but I want to call your attention to just one thing—here is the letter, and I read what it says at the bottom: "P. S. I request that this shall be regarded as confidential and your reply shall also be so regarded." That is signed by H. S. Bigelow. I answered that letter. Some time during the winter my name was mentioned a few times as being a candidate for president of this Convention. I never was a candidate, didn't expect to be, and never seriously considered it, but at that time the president of this body took my letter and garbled it and gave part of it to the Scripps-McRae League, and it was published in those papers throughout the state in one of their editorials. It was a confidential letter and so marked and he turned it loose to the newspapers. Why? Because he was afraid I was going to fight him. I never intended to fight him. I didn't want to fight him. But I will tell you one thing that I will say here now: I have not any use for any man anywhere in politics or out when his word is not good. Never! Never! Never!

There is the proof and I am willing that it shall all go into the record.

Mr. WATSON: You speak of the inhibition of the single tax. Do you object to an inhibition in the initiative and referendum against the classification of property?

Mr. WOODS: No, sir; I am in favor of that. I want to touch on that right now. I am against the single tax, and I am against the classification of property.

Mr. DOTY: The time of the member having expired I move that it be extended.

The motion was carried.

Mr. WOODS: Thank you, gentlemen; I will only take five minutes more. There is one thing I want to call your attention to and that is the matter of taxation with reference to this proposition. There is one thing that I am in favor of tying up hard and fast in the constitution and that is the matter of taxation, and I will tell you why. As a general proposition I am in favor of trusting the people, but I am not in favor of trusting the voters of the state with matters of taxation when over half of them pay no taxes and for that reason I am in

favor of tying up the uniform rule in this constitution as tight as we can. I don't care how hard and fast you make it, I am with you. I am not in favor of this initiative and referendum being used in tax matters, and I will tell you, gentlemen, unless you want to make our general assembly nothing but a tax board, you want to fix it right here and right now. Don't let it get away. I was in the general assembly when bills were passed starting the machinery that brought up this Convention and I want to say to you that the State Board of Commerce was the institution that brought about the Convention. They did it for one purpose, and that was to get in the constitution the classification of property.

Mr. DOTY: And we are fooling them.

Mr. WOODS: Let us sew it up tight. There is a proposal here known as No. 86—

Mr. TANNEHILL: Was not the license question something that caused the call of this Convention?

Mr. WOODS: I don't think so. I would like to explain a little right there, but I don't want to take the time.

Mr. TANNEHILL: Won't it bear explaining?

Mr. WOODS: I think so, but I haven't got the time. I want to call attention to Proposal No. 86, as I understand it is already signed up to be reported out of the Taxation committee. That tax proposal lets down all the bars, and turns the taxation subject entirely loose upon the general assembly. If you do that and then have the initiative and referendum, you are going to have a fearful time in the state of Ohio; nobody's property is going to be secure, and I tell you it is all un-called for.

Mr. MOORE: You made a statement that a majority of the people of Ohio should not be allowed to vote on taxation matters because they own no property. Are you in favor of a property qualification on the right of suffrage?

Mr. WOODS: No, sir; but I will tell you what I am in favor of—I would not allow a man to vote a bond on my town who is not a taxpayer in that town.

Mr. WATSON: Will you define taxpayer?

Mr. WOODS: I am talking about a direct taxpayer, not an indirect taxpayer.

Mr. WATSON: Don't you recognize that the laboring man is as much a taxpayer as any one who owns property?

Mr. WOODS: I will not admit that, though I admit they may contribute indirectly. The men who own the property pay taxes directly.

Mr. WATSON: Are not all taxes shifted upon the lines of least resistance, and don't they go ultimately upon the backs of the laboring men?

Mr. WOODS: You are getting too theoretical for me.

Mr. WATSON: No, I am practical.

Mr. WOODS: The point I desire to make is this: I am not in favor of shutting the laboring man out of a ballot, but when we get to a point that a majority of the people are not direct taxpayers—I am not talking about indirect taxes; all pay taxes. I think one of the worst things facing this country is the matter of bonds, everlastingly bonding ourselves. I am against it. I think it leads to what they have in the old countries, where the ordinary man is nothing but a slave. If we don't stop

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it we will get to that point and I am against it. I don't care how hard and fast you make this state constitution, so that the general assembly can not change the tax laws or the bond laws. I am with you on that proposition and I think that is one thing that we should tie up tightly.

Mr. THOMAS: Would not your statement in effect prevent the laboring man who pays rent from voting on taxation?

Mr. WOODS: No.

Mr. THOMAS: Would it not deny him a vote?

Mr. WOODS: I said taxpayers.

Mr. THOMAS: You said direct taxpayers.

Mr. WOODS: Yes.

Mr. THOMAS: Land owners?

Mr. WOODS: Yes, or other direct taxpayers.

Mr. THOMAS: Didn't the member from Allen [Mr. HALFHILL] say in his speech on the floor that a majority of the voters in Ohio were not either land owners or home owners?

Mr. WOODS: Yes; I think so.

Mr. THOMAS: Would not that inhibit a majority of the voters from voting on taxation matters?

Mr. WOODS: It might. I want to be plain and I want to be understood about this matter: I mean what I said. I would not let any man in my city or your city vote upon the matter of issuing bonds for improvements unless he were a taxpayer. I don't want to be misunderstood.

Mr. DOTY: Don't you think he should read and write too?

Mr. THOMAS: Is it not a fact that in Cleveland a majority of the voters is composed of working men and that they always consistently voted down bonds with the exception of bonds for municipal lighting, which would necessarily carry its own expense?

Mr. WOODS: I don't know about that.

Mr. DOTY: It is true.

Mr. THOMAS: And don't that show they are just as much to be trusted as the fellows who pay direct taxes?

Mr. HALFHILL: Will the member yield so I can ask the member from Cuyahoga a question?

Mr. WOODS: Yes; I will yield.

Mr. HALFHILL: You refer to what was said about taxpayers, and you said a majority of the voters were not home owners or land owners?

Mr. THOMAS: Yes.

Mr. HALFHILL: And the gentleman was referring to the question of the single tax?

Mr. THOMAS: To the difference between the single tax and any other tax.

Mr. HALFHILL: That was the point; not the point you lugged in.

The chair recognized the gentleman from Hamilton [Mr. BOWDLE].

Mr. BOWDLE: Mr. President and gentlemen of the Convention: A word ought to be said by way of preface. Something has been said about the Rehoboams of this Convention. I am one of them. The other day Mr. Balfour, in resigning the leadership of the opposition in the house of lords, used these wise and deeply philosophical words, words that may be recommended to some of the elder members of this Convention:

I resign and retire from the field of statesmanship, lest increasing years render me unable to appraise the principles and plans of the progressive movement, now trying to express itself in England.

I have the highest respect for the gray heads in this Convention, and I would not lose one. I quote these words, however, only to secure for the younger man more charitable consideration. Now, gentlemen, I shall be brief.

I ask you to bear with me while I discuss with you something which apparently has no relation whatever to the question in hand, but I assure you that this apparently foreign subject is the basis of the demand for the initiative and referendum—at least as I analyze the subject. A knowledge of the subject to which I am about to contribute a few words should serve to dissipate hostility to this new mechanism of government.

Fear is the great fact of modern life. The land of the free and the home of the brave exist in song. We are in the twentieth century of the era of that majestic free soul, who, whatever else he may have been, was a sublime free soul. Yet everywhere freedom has disappeared and fear abounds. Rousseau opened the literary propaganda, which presaged the approach of the French revolution, with the "Contrat Social." Its opening sentence was "Man was born free but he is everywhere in chains." While not assenting to the technical correctness of this, it might well become the slogan of this new outbreak of democracy, for it is descriptive of the tyranny of fear from which humanity suffers.

The man has become nothing. The soul has been suffocated by an intangible, all-pervading something which inspires fear.

Let us now attempt an analysis of the present human situation, which is characterized by so much boreboding restlessness, and see if we can discover the cause for this fear.

Mr. Thorstein Veblen, the distinguished economist, has essayed the task of analyzing certain phases of modern life which are responsible for modern restlessness and the fear which inspires it.

For individual initiative men now have substituted what Veblen calls the "machine process." The entire field of industrial enterprise is now dominated by that process.

The individual shoemaker is a mere pinion in a machine. He is simply a lever-puller or belt-shifter. The machine has supplanted him. That machine is standardized. That man is standardized. His individual thought, if exercised by him beyond the lever-pulling, would disturb the process.

The standardized shoe may be very excellent, but the standardized man is not excellent. Whether you consider shoes, sulphuric acid or locomotives, you see presiding over all the same machine process; all comes out of an orderly, inflexible apparatus of production which excludes the faculties of the individual. He becomes a mere pinion in the industrial process.

But the process does not stop with the physical machine. It extends itself into higher realms. For instance, wages are arranged on a thoroughly systematized mechanical scale. Employers pay according to a wage

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scale. The individual has nothing to do with that scale. Individual needs of employes are not considered, nor can they be considered. Both sides submit to the wage-scale process. Both sides are subservient to the process. They must be subservient. Thus again the essential individual soul is crushed out by the process. Thus the making of wages is dominated by the same crushing process that produces shoes. There is no difference between the machine that produces shoes and that which produces wage scales, except in this: The shoe machine can be seen while the wage-fixing machine cannot be seen.

Ascending still further, we have a standardizing of machine process in thought. Industry and wages, having come within the process, these things, coercing the entire field of enterprise, have brought with them all pecuniary affairs in the nation. Every feature of this process gives rise to some vested interest or right—gives rise to a status in some individual or group of more or less potency. These interests in turn fix the prevailing modes of thought.

To this standardizing of machine-processed thought men must surrender. Men must vibrate with the standardized vibration, or produce a discord, of which they will soon be the victims. (One has but to express strong views as to the national ownership of railroads, for instance, to find that he has voiced an unstandard thought, which operates pretty much as a monkey wrench thrown into a Hoe perfecting press.)

The standardized machine-processed lawyer is not uncommon in the community. Conspicuous lawyers uniformly are highly standardized persons. Their views do not disturb the prevailing vibrations in the mental ether.

Standardized clergymen are quite common, especially in the large cities. Those in charge of rich congregations have a free field so long as they confine themselves to attacks on Mr. Spencer or Huxley or to efforts to interpret the majestic imagery in the Revelation of St. John the Divine. Clerical descents to the ground of human affairs are not favored.

The machine process is seen perfectly even in departments of political propaganda. Let one conceive a political idea which he thinks adapted to political advance, and at once a league is formed, with hired officers, whose business it is to bind up the friends of the idea, get a common purse, and, by its size, overpower the individual and finally the legislature. These mechanically organized leagues machine-process all aspirants for office, and otherwise prepare dries and wets for legislative functions, and thus we have the spectacle of wets in heart and habit making dry speeches, and dries in heart and habit making wet speeches. The machine process of highly organized leagues and committees has reduced many of our assemblies to poor comedy, and the legislative program often becomes the mere program of certain of these leagues, trusts or corporations. In all this the individual is eliminated. The unorganized people are without representation.

In politics the machine process is everywhere evident. So evident is this that twenty years ago men commenced to apply the term "machine" to political organizations. That it is such, wonderfully such, is fearfully obvious. The depredations against the individual soul are known to all men. I was discussing but a day or two ago, with a young man, the curious decay of oratory as a fine art.

The decline of oratory mystified the young man. The solution is easy: Political organizations are machines. Machines know nothing of love, mercy, or men. Political organizations control legislative assemblies, name and elect judges and select juries. Such organizations leave no place for the art of persuasion. There is no one to be persuaded. All is arranged in advance. Do you want a little franchise at the city hall, the question is not, who is a good persuasive lawyer; it is, who controls the apparatus which moves the authorities at the city hall? If the case before the courts is a large case, having political bearings, the litigant cares nothing for the lawyer of eloquence. He desires one in touch with the prevailing apparatus which can assure him of the tractability of the jurors and of the distinguished consideration of the court. The political lawyer is a very distinct species. He is characterized by a large stomach, deep-cushioned voice, good manners and church membership.

Thus, the art of persuasion has been closed out by the machine process in politics.

And now what have we said?

1. A machine takes no account of love or mercy or emotion. It can know nothing of its operator or his needs.

2. The industrial processes of the civilized world are machine processes, whether we consider the actual apparatus of physical production and distribution, or the pecuniary process which energize the physical processes. As such, love, mercy, emotion and individual need are excluded, for machine processes exclude such elements.

3. Freedom of thought and speech, being inconsistent with machine processes, has largely disappeared, and the mental world has become largely dominated by considerations of diplomacy and expediency, verging towards downright hypocrisy.

4. The machine process, producing a standardized product, also produces a standardized man, a man devoid of personality, originality or genius. These elements are ground up in the process. Thus America, now with ninety million people, has produced no philosopher the equal of Spencer, in a half century, no writers the equal of Voltaire or Lamartine, no poet approaching Goethe, no musician within sight of Wagner. Genius has been almost entirely suppressed by the weary machine process.

Civilization today, accordingly, presents a scene in which man is dominated by an apparatus, appalling in point of complication, and crushing in its action upon man. What we created to serve us, we now serve abjectly.

We are now prepared to deal with a further implication of the machine or standardizing process.

It must be clear to you that as love and mercy are excluded from mechanical action—the thing moving by a pre-determined law—that a necessary by-product of the process under analysis is Fear. An employer cannot violate the law which standardizes wages—he pays the wage scale. To violate the wage-scale law by lowering wages brings on a strike. To violate it, by raising wages to suit individual needs, brings on a receivership or a strike, due to a claim among the men of favoritism. The employe, likewise, must live in fear of the wage-scale law.

The lawyer must need fear the prevailing habits of

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thought or view of the community, lest he lose clients and prestige. Fear thus dominates the bar.

The professor, often, must decorously mould his teaching to suit the pecuniary and political views of the mass, lest the founders, actual or prospective, take him in hand. Fear thus dominates education.

Statesmen—if we may so denominate men elected by the devious process of leagues and committees—fear lest their free action in legislative assemblies displease those potent leagues, whose mechanical processes are relied upon to do that significant thing euphemistically called “getting out the vote.” All important legislation is governed by what might be called the balance of fear. This has brought a government by leagues and committees. Fear dominates our legislative halls. Few men can be elected unless they have cashed in their independence over the counters of leagues. All submit to the standardizing machine process. This submission implies fear. As in the mechanical world an unstandardized thing is scrapped, just so in the educational, legal and clerical world the man who does not respond to prevailing vibrations is scrapped. The mechanical world cannot deal with odd sizes. Odd sizes in the world of mentality are scrapped. The spectacle of a scrapped clergyman or lawyer in America is not unusual today. Many such are on the scrap pile and do not quite comprehend the process by which they got there. An odd-viewed man is as obnoxious to modern machine life as an odd-sized bolt.

Yes, fear is the great fact of the twentieth century. It comes as the result of a process. It comes as the result of a disease which I have attempted to diagnose with you. That disease requires as careful diagnosis as any human ill, but it may be diagnosed. The steps that we have taken in our analysis are exact. The result is certain and its interpretations are sure. Nothing but racial and national vanity prevents us from fearlessly making this diagnosis and accepting the result—that vanity which vitiates all our processes and astigmatizes our vision of ourselves.

I speak only to fearless men, dominated by the scientific spirit, and I say to them that fear is the great modern tyrannizing fact. To prideful men, walking in the vanity of their minds, I do not speak, for they will not believe a fact that tends to humble them.

Men suffer in individual life from evils which they themselves often have not the ability or willingness to diagnose. Especially is this unwillingness to diagnose observed when the evil proceeds from sin. So with nations of men—vanity prevents them from seeing themselves.

Men suffer long in their collective lives from ills of which they are terribly conscious, but whose causes elude them. They sullenly and bitterly know that something is wrong and that they suffer. The cause they do not see.

The restlessness of these days knows no parallel in history. And few have stopped to inquire into the reason of it. The cause is this wide-spread machine process. It has excluded and crowded out the essential man. It has suffocated the individual soul. It frustrates all initiative, and substitutes a process. The process takes his hope and hands him fear. It mocks at his ambition. It closes all fields for self-expansion. And so vast is the

extension of the process that it even now threatens us with the Apocalyptic horror, under which we shall neither buy nor sell without the mark of the beast in our foreheads and in our hands.

Needless to say, this crushing machine process was undreamed of by Lincoln, or Jefferson, or Hamilton, or Rousseau, nor can it be said that Moses or St. Paul discerned its coming. Any quotations, therefore, from the writings of these persons are utterly irrelevant. Such quotations may serve to round out periods in these debates and notify our constituents that we are familiar with the classics, but can reflect no light.

And now, gentlemen, what have we? We have fear dominating all and crushing all. We have combinations of machine processes in the shape of great corporations, placing in fear or corrupting all legislative functions. The process does it pursuant to that law of evil's being, under which it must extend itself, if not extirpated. The process excludes freedom—but men seek freedom. Men have accordingly constructed a process which ironically impinges against the freedom they seek—a thing man has often done. Man, therefore, rebels. He rebels against the work of his own hands—how often has man done that!

Men will not sit quietly beside an order of things, a civilization, which crushes them. They will not so sit even though they alone constructed that order. The unwillingness to endure that process conditions the fearful restlessness of this feverish epoch—in the presence of which men, thoughtful men, tremble.

The effort to restore freedom and eliminate this fear is the effort now made, and often blindly made, by all present reformers and reforms. This, I say, man is attempting to do, though, as usual in history, man is not conscious of that which he is trying to do. He often attempts without stopping to know just why—hence so many blunders in history.

Man protests against being a machine. He protests against anything that excludes love, mercy, charity, individual soul. He protests against fear? He protests against a form of government which is responsive to such a process and that form now confronts him.

Under the operation of the machine-process representative government has broken down, and it can never be restored. You may as well attempt to restore the economist past. (Recent criminal trials of the bribe-taking senators here in Columbus and over the country signalizes the complete downfall of representative government).

Nothing, accordingly, remains but to place the government of America in the immediate hands of the people.

The Tory mind present in this Convention neglects certain great lessons of history and their Bourbon views would imbed an evolving humanity in concrete.

That mind neglects the great fact that the governmental institutions of one generation are not necessarily suitable for another.

That mind neglects the fact that the governmental mechanism of one epoch is not necessarily serviceable for another.

That mind neglects the fact that all history is but the record of the struggle of the demands of the present with the vested interests of the past.

It neglects to see, as Mr. Augustus Pickney has so

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ably pointed out, that governments are like children; they can remain upright only by running—that is, by a continuous process of moulding, adapting, arranging and rearranging.

It neglects to see that a petrified government, which overlooks, as it must, an evolving mass of men, must perish by bloody revolution.

The essential soul demands freedom. It demands expansion. Its glory is that it does. We are indeed, men, justified in at least suspecting our divine origin and destiny only because of that vital impulse to move on and up which alone differentiates us from all other creatures.

This impulse for perfectability has made all that is glorious in our history. This impulse wars always with fear.

The initiative and referendum is an imperious necessity. Freedom demands it. The national and individual soul must have it. The very existence of our civilization requires it. Those who refuse it or retard it, must prepare for conditions which I do not care to pause to contemplate.

The past shall not control the present. The efforts of the past to do so have led to all the blood of history. The present is not the past.

I have often looked on that sculptured group, so famous in art, the Laocoon—you remember it, the Greek father and his two sons enmeshed in the coils of serpents and agonizing to deliver themselves—I have often looked, I say, on that sculptured group and wondered why the scholars of centuries have so intently studied it. But the mystery grows clearer as history is studied. Those Rhodian brothers, who conceived it and chiselled it, have there depicted the genius of man's history, individually and collectively. All history is but the effort to secure freedom—the effort to throw off serpent bonds of carnalism and materialism. Those sculptors in Rhodes knew man—they knew his evolution, his progressive efforts. They knew that government was but an effort to help man toward deliverance; they knew that different epochs of that deliverance demand new adaptations.

Unless men will see that an evolving economic commonwealth needs an evolving governmental form, there is no hope. Those who hark back to the fathers, cannot aid us with problems unknown to the fathers.

In this effort to analyze the cause of our modern restlessness I have the satisfaction of knowing that the theory on which my conclusions have been based receives the approval of a number of distinguished scholars, the name of Mr. Veblen being chiefest among them.

In conclusion gentlemen, allow me to say that I do not assent to the spirit of the opposition of those who say, "as it was in the beginning, is now and ever shall be, world without end." I believe in progress and in governmental adaptations to that progress and accordingly in a liberal initiative and referendum. I shall support the pending measure.

The delegate from Lorain [Mr. NYE] was recognized and yielded to Mr. Doty for a motion to recess.

Mr. MARRIOTT: Before the motion to recess is put I have in my hand a letter from the Ohio Wesleyan University signed by its president and George Critchfield, secretary. The communication advises me that a number of their students desire to visit this Con-

vention this afternoon and I move that the courtesy of the floor be extended to those young men for this afternoon.

Mr. DOTY: How many are there?

Mr. MARRIOTT: A half a dozen.

The PRESIDENT: Is it agreed that the consideration of the pending matter be postponed one minute?

The consent was given.

The motion was carried.

Mr. MARRIOTT: I now move we recess until two o'clock this afternoon.

The motion was carried.

AFTERNOON SESSION.

The Convention met pursuant to recess and was called to order by the president, who recognized the member from Lorain [Mr. NYE.]

Mr. NYE: Mr. President and Gentlemen of the Convention: I had not intended to speak upon this question and did not determine to speak until I heard from some of the members upon the different sides of the initiative and referendum. I thought then if I could say anything by which I could pour a little oil upon the troubled waters and help get this Convention to come together upon some proposition that would be workable and that the people themselves would adopt, I would say a few words upon this question.

I shall speak only a short time and will not weary you. I am glad to be a member of this body, and, without speaking particularly about the personnel of this body, I want to say to you, as I have said to many of my constituents, I would be glad to have them look into the faces of the men composing this Convention; that they would see an earnest body of men, men who, I believe, are seeking to do the best thing for the state of Ohio in getting amendments to the constitution that the people of the state will approve. I was not originally an initiative and referendum man. That fact was known when I was elected to this Convention. I signed no pledge. I came here upon a promise, a portion of which I desire to read to you. It was in the form of a letter and I shall only read a small part of it:

The term "initiative and referendum" is very indefinite, even in these days of agitation, as to the manner of the making of the laws. I am of the opinion, however, that laws prepared by legislators carefully chosen and elected by the people, subject to the veto of the governor, if in his opinion they are improper, are more apt to be in harmony with the constitution and other laws and more likely to meet the wants of the people than laws prepared and proposed by all classes of citizens and voted for by the people, who have not had the time or opportunity to read and consider them.

I said further:

If I go to the Constitutional Convention I will go with the intention of trying to assist in making the best constitution for all the people of the state—the rich, the poor; the individual, the cor-

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poration; the laborer, the employer; the elector, the officer; the taxpayer, the taxgatherer; the schools, colleges, churches; in fact, every person and every interest should be protected. A constitution should be made to meet the requirements of the people, not only with the advanced ideas of today, but one that will stand the test of many years to come.

Again I said:

There will no doubt be many able men in the coming Constitutional Convention. All questions and amendments will be carefully considered and discussed. Men who go there with opinions fully formed will probably have them changed by an interchange of views. No man ought to go to such a convention with his hands so tied with pledges that would prevent him from changing his views if he became convinced that he ought to do so.

The best constitution for all the people of one of the best states in the Union ought to be the watchword and aim of every member of the Convention. Moderation, patriotism, devotion to the state and to the best interests of its citizens should be the aim of every member. With such motives and such aims a constitution ought to be written that will meet the approval of the people of the state and of mankind.

That was the platform upon which I was elected. It is the platform upon which I now stand. It is the platform upon which I shall stand until the gavel shall fall upon the last meeting of this Convention. After the election I looked over the list of members as they were reported in the daily papers and I came to the conclusion that a majority of the members were in favor of the initiative and referendum, and I made up my mind that I would come here with the intention and with the view of assisting to get such a clause in the constitution on that proposition as would be for the best interest of all the people. I expected then to be one of the one hundred and nineteen members who would discuss this and talk it over together and see what would be for the best interest of all the people. I am still of that opinion notwithstanding there has been a committee of sixty, as has been said, that has formulated the plan, and I say this without any intention of criticising anybody, because I give to every member in this Convention the right to his opinion the same as I have my opinion, and I give him credit for wishing to get the best constitution that we can get for all the people.

I am unalterably opposed to the direct initiative. If we can get a provision in this constitution that will give us the indirect initiative and upon such terms as to guard it so that the people cannot be defrauded of their rights, I shall be in favor of it and stand with you upon it. No other provision on that subject in this Convention will I approve or vote for. And I desire to say here and now that in my judgment the initiative and referendum in any form that can be adopted in this Convention will be a disappointment to its friends and not any great disadvantage to those who oppose it. It may be held over the heads of men who come to the legisla-

ture, but I don't anticipate that it will be used very much. Our president at an early stage of this Convention announced that he was the general of the majority of the Convention to formulate the proposal to be submitted on the initiative and referendum. In those remarks he used language as though possibly some of the rest of us might be his enemies. It seems to me that we ought to act in this Convention as friends. It seems to me that we ought to reason together to get propositions to submit to the people which the people will approve and that will meet our own best judgment. It is said that Washington at the time of the preparation of the constitution of the United States said in substance that the delegates wanted to frame a constitution that they approved of themselves and then they could go to the people and ask the people to ratify it. That in my judgment is the kind of a constitution or amendments to the constitution that we ought to prepare, such that we can approve of and such that we can go to the people and say we approve of this and that and the other amendment and ask the people to vote for them.

It has been said in this Convention in substance that representative government has been a failure. I am not of that opinion. I think that the representative governments of this country are the grandest governments that the world has ever seen. And when I speak of representative governments I refer to the national government and the governments of the various states. That men sometimes become corrupt, in my judgment, is no reason why we should abandon our form of government. We have ample means with which to punish those men who are corrupt and no one will go farther than I in providing means and using the agencies to punish those who fail to perform their duties in office or out of office; then why abandon our representative form of government? If it should seem best to have the indirect initiative so that the people may submit a proposition to the legislature, and if the legislature refuses to pass it in some form or in a form that will meet the wants of the people, let it be submitted to the people.

It has been asked in this Convention and asked elsewhere if we are not willing to trust the people. There is no one in the state of Ohio that has more faith in the common people, the laboring people and all the people, than I have. If they are left to their own good judgment, and not led by self-appointed leaders, they will nine times out of ten go right. But if they are to be led by bosses, if they are to be led by self-appointed leaders and demagogues, I do not know where they will go. We want a check upon the majority to protect the rest of the people, the minority.

It has been said in this Convention that we should not attach to this proposal the Lampson amendment, prohibiting the single tax. Is there anyone in this Convention who is in favor of the single tax? Or I will put it another way: Is a majority in this Convention in favor of the single tax? If they are not, what is the objection to putting a provision into the constitution providing that we never can be charged with the single tax upon the land and property of this state? If you will reason with me you will see it will hurt none, and I insist that it is not an unjust requirement to put it in at this place.

Mr. EARNHART: Do you believe that you can put

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in an inhibition against the single tax so that the people cannot themselves, at some future time, by constitutional amendment, get the single tax or whatever they want at that time?

Mr. NYE: I understand that the Lampson amendment is in such form that it cannot be taken out by the initiative and referendum.

Mr. EARNHART: Is it not a fact that if this goes through the people themselves are supposed by this measure to get what they want, and then have they not the power, if they find out that they want something else and want to amend the constitution and take something out or put something in, haven't they still that power with the initiative and referendum?

Mr. NYE: If I could prevent their having the power to put the single tax on the people of Ohio I would be in favor of doing it. I do not believe that the majority should put the single tax on the minority because the majority might have the power to do it.

Mr. WATSON: Do you favor also an inhibition of the classification of property for taxation?

Mr. NYE: The classification of property is an entirely different question, and I do not care to discuss the question of classification of property at this time.

Mr. WATSON: Is not the classification of property for taxation the first step toward the single tax?

Mr. NYE: I don't think so.

The time of the gentleman here expired, but on motion of Mr. Stokes was extended.

Mr. NYE: I thank you and I shall detain you only a few moments. Something has been said in this Convention, and I believe it was said by my friend, Mr. Thomas, yesterday, with reference to the laboring men and providing for a minimum wage. Whether that matter is germane to this question or not, it does not seem to me that such a proposition should go into the constitution. If you put a minimum wage into the constitution then you ought to put something into the constitution that requires the man who works for the wages to earn the wages that are paid him. You would then be getting into a question that would be difficult to solve either in the constitution or in a law itself.

It has been said, also by Mr. Thomas, that the laboring men are not properly compensated. If you will go with me to my own home town, Elyria, I will show you some happy homes where laboring men own their homes and have paid for them upon \$1.50 and \$1.75 a day. It is not the man who gets the small wages that does not have property; it is the man who gets large wages and spends all the money and doesn't save anything. I want to say I know the value of a dollar because I have earned it. I was reared upon a farm and I know what it is to earn a dollar. I know what labor is worth and if the men who work and earn money will save they will have their own homes and property. It is those who save and do not spend that have their homes.

Now, I do not care to occupy your time longer. I want to say, in conclusion, that I shall support the proposition that gives the indirect initiative if it is properly guarded. I think that is the kind of a measure that should be submitted to the people, and I think that we should unite on that kind of a measure as friends and representatives of all the people. I hope that from this time forward this discussion may take a more friendly

course and not be more in keeping with the political convention or a political quarrel. And let us come together. Let us reason together and let us get an amendment to the constitution that we shall ourselves approve and one that will meet with the approval of the people whom we represent.

Mr. WATSON: The gentleman said something about representative government. The trouble now is that we have misrepresentative government. Are you aware that there have been only two impeachments in the history of Ohio so far as judges are concerned?

Mr. NYE: I do not know the number. It is possible there should have been more and if there should be I am with you.

Mr. WATSON: What remedy have you to offer as a speedy way of reaching that class?

Mr. NYE: I would provide some way by which an unjust judge or a partial or corrupt judge could be removed, but I would not do it by the initiative. That is another question. That may be up before us for discussion later on.

Mr. STILWELL: Mr. President and Gentlemen of the Convention: The gentleman who just took his seat offered some words of commendation for our representative form of government. Upon that question I do not care particularly to take issue with him, but offer a subject for his own reflection; while he was making the statement my eye glanced over the columns of the morning paper. It is the old Ohio State Journal, founded in 1811. Among the leading articles these subjects are treated:

Jury in bribe case out. State's lawyers call assemblymen perjurers.

Another article: No graft is proved. Former county commissioners acquitted.

Another headline: Eighty-two miners killed in a gas explosion.

Another headline: Police shoot into crowd killing three. Strained relations between the mayor and his opponents result in fatal riot.

Another headline: The school head contends that pupils are bad. Lisbon principal asserts majority of pupils moral lepers.

I want to commend these articles to the gentleman from Lorain county.

The delegate from Ottawa [Mr. MILLER] the other day questioned some statements that had been made that the initiative and referendum was the great issue, not only in Ohio politics but in American politics today. Why, the very fact that he himself took the platform upon the subject was proof that in his judgment it was the great issue. The fact that a great majority of the delegates in this Convention are talking upon the subject, when they have not done it upon other subjects, proves the fact that it is the great issue here. I want to read a portion of a letter I received this morning addressed to myself which says among other things:

I want to thank you and the secretary of the Convention for the literature that I have received covering the work of the Convention.

Here is a letter from the Northeastern Ohio Boosters Association, and any member of the Modern Woodmen of America will know what that organization is. It is

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an organization for the purpose of boosting at the polls the work of this Convention if it proves satisfactory. The letter reads as follows:

Ohio Constitutional Convention,
Columbus, Ohio.

Officers and Members Greeting:—The members of the Northeastern Ohio Boosters Association would like to call the attention of your honorable body to the fact that they are waiting impatiently to find out what the actions of the Convention will be upon the initiative and referendum proposal.

We would call your attention to the fact that a large majority of the delegates were elected with the distinct understanding that their constituents were going to have the opportunity of voting into our constitution an initiative and referendum law, based upon percentages that would make it a workable proposition.

We as an organization believe that the "Crosser Proposal," with a few slight changes, is a good proposal, and we would recommend most heartily that it be adopted by the Constitutional Convention without any mutilating amendments that would detract in any way from the equitable working of the initiative and referendum.

As an organization, with the object in view, as the name implies, of boosting for that which is best for all the people all the time, we shall keep close tab upon all the work done by our representatives, both in the Constitutional Convention and the legislature. And shall at all times keep our membership of about 45,000 members, scattered all over the state of Ohio, thoroughly posted upon all matters of interest, and the attitude of their respective representatives upon all questions of importance affecting the people at large.

We again request that you deliberate wisely and well, and deliver to us for our consideration an initiative and referendum proposal that embodies all the good points that it is possible to incorporate into it, and with the percentages low enough to make it a commendable law.

Trusting that our request may receive that consideration which is due it, and assuring your honorable body that this large body of men will not forget those delegates who strive to give the people that which is their just due, "the right to legislate their own laws," and thanking your honorable body in advance for a favorable consideration of our request, we beg to remain,

Yours for good laws,

Northeastern Ohio Boosters Association.

Per T. H. Roberts, Corresponding Secretary.

The officers of the association reside at Wadsworth, Cleveland, Canal Dover, Marion and Shelby.

Mr. HALFHILL: What is the date of that?

Mr. STILWELL: March 23.

Mr. HALFHILL: Does that refer to the original proposal or to the substitute, or did the writers of the letter know anything about the substitute?

Mr. STILWELL: I suppose they did for they are getting the proceedings of the Convention.

Mr. HALFHILL: Do you know anything about the several telegrams that have come here couched in practically the same language from different organizations asking support for the Crosser amendment?

Mr. STILWELL: I do not.

Mr. HALFHILL: Commencing about the 14th of the month and extending down to the end of last week?

Mr. STILWELL: I do not, and for the benefit of the delegate from Allen I want to say that the first knowledge I had that there was such an organization in existence was when I received the letter. I knew the Modern Woodmen of the World were in existence, but I did not know the Northeastern Ohio Boosters Association, probably a subsidiary body to that order, was in existence.

It is my purpose to discuss the abstract substance of this proposal rather than the concrete. I have little patience with men who quibble over non-essentials when such matters are largely a question of figures or for the dictionary. I was one of the members of the subcommittee who formulated this proposal and I have no apologies to make for it. If our work had been perfect in form, the committee on Arrangement and Phraseology would have little to do, and as a matter of fact not so much attention was paid to the form of the proposal as to the substance. Men do not give their best efforts and closest attention to a subject only when their work is final. I am not quite sure if many of the literary gems of this or other times were submitted to the learned and aesthetic gentlemen of this Convention for revision, they would not lose much of their merits in the onslaught. This is an altogether too commercial age—I can just imagine this Convention undertaking a revision of Longfellow's story of Arcadia. I can just imagine the delegate from Ashtabula county [Mr. LAMPSON] rising in his seat and with the greatest solemnity saying to the Convention: "In view of the difficulty which Evangeline encountered in the long search for her lover Gabriel, don't you think we should make some reference to the 'bad roads' over which she had to travel?"

Mr. LAMPSON: It would all be a matter of religion would it not?

Mr. STILWELL: I can just imagine the delegate from Guernsey county or the delegate from Defiance fulminating against the drunken orgies of Shakespeare's plays and moving that they be expunged from the records. I am not so sure that the conduct of the Boston Tea Party would not have to be improved upon to satisfy the gentleman from Van Wert. I can imagine the reverend gentlemen of this Convention as a special committee wrestling over a revision of the Decalogue. Imagine, for instance, that by the influence of some magic wand, our memory the while is stilled and we are sitting as the continental congress—it is Thursday, July 4, 1776—Jefferson, Franklin, Adams, Sherman and Livingston are reporting the Declaration of Independence. On through the long list of injuries and usurpations which the colonies have suffered at the hands of George III reads the secretary, Mr. Harrison, when some kindly disposed delegate, perhaps from Preble county, rises to a point of order—"Not so hard on the king, sir! Not so hard on the king!"

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I realize as much as any other delegate in this Convention the great responsibility that is ours and the relief that will come to the millions of our citizenship if our work is in accord with the spirit of the times. Some of you will ask what we ought to be relieved from. The call of this Convention answers the question, at least in part, and my further answer is that every public institution in the state, whether charitable, corrective or punitive, is crowded to overflowing and a long waiting list is on the records of every municipality in the state, and I assert beyond the possibility of contradiction that seventy-five per cent of the inmates of our state's prison, our many workhouses, the institutions for the reformation of the boys and girls our schools for the deaf and blind and the insane asylums, can be traced in a more or less direct way to some form of special privilege or to the criminal negligence of parent or official.

And here I would digress for just a moment. Some months ago, some little girls, just in their teens, were rescued from a brothel in one of our Ohio cities. They were from the countryside, whence they had been lured by Arabian stories of gilded castle, festive board and the tawdry treasures of the rich. They told their story in the police court and the viper who had bartered their innocence away got off with a few months in the workhouse. The same story is told nearly every day in the juvenile courts of every great city in the land, and the wonder is that humanity, instead of trying to remedy the cause, simply waits to extend the hand of belated charity to the prodigal child.

Ever since the story of the Manger, since Gethsemane, Golgatha, Calvary, the doctrine of His love has been spread throughout all the world. Self-sacrificing men and women, in song and story, have carried His wondrous deeds to all the peoples of the earth. Cathedral chime and mission bell of every faith have pealed in harmony His message of "Peace on Earth, good will towards men." And yet, after the lapse of two thousand years, we find it possible for little girls to be abandoned to a condition of slavery far worse than that from which to save us the nation was almost rent asunder a half century ago.

The other day the delegate from Ashtabula [Mr. LAMPSON] agreed to defend the farmer from something—I don't just recall now what it was—until his good right arm withered or his tongue cleaved to the roof of his mouth. There was a purpose in that offer of self-sacrifice—he would array the rural delegates in this Convention against the urban delegates. The delegate from Van Wert [Mr. ANTRIM] also, very covertly, made a similar suggestion. As yet there has been no such division in the Convention, and God save us from the day when that shall occur. I venture the assertion that since I was a boy of ten, many times each year, in the school room, workshop, court room, from platform, from pulpit and from soap box, from the tow-headed urchin declaiming in the little red school house to the white hairs honored with the ermine or the toga, I have heard prophet, politician and preacher, seers, saints and sinners offer every limb of their body, every organ of their anatomy, even unto their very neck, upon the altar of their prejudice, and, mark you, when Jacob's

trumpet called them there wasn't even an eyelash missing.

Who says the farmers need any man's defense? They are the defenders! For lo these many centuries they have been the very bulwark of our varied life; have brought to the nation's every institution the freshness of their hill-top breezes, the purity of their babbling brooks and the sunshine of their golden fields, and from their homes today are being reared the manhood and the womanhood which shall save the city from its self-destruction. Within the limits of your husbandry you have a world within itself and to disturb you in that dominion would be the stupendous folly of the ages. There you shall live on, and on, and on until the end of time, untrammled by the city's vices, unloved by her sorrows, untethered by her sin and pollution, if you will lend aid in the city's redemption. Without you, we would soon perish of our own weakness, starve of our very helplessness. No, no, my farmer friends, we need you, not as the delegate from Ashtabula [Mr. LAMPSON] would have you believe, to use you—no, no, not that—we need you to help us solve the mighty problem of our industrial life. We need you to help us save the youth from the street and from corrupting influences of factory life. We need you to help us solve the problem of our idle thousands, who are always with us, men and women by the hundreds, standing in the market place, forsooth, because no master will hire them, whose footsteps are dogged by the dread shadows of hunger and of cold.

We need you to help us save our people from the greed of special privilege and from the great white scourge which marks one in every four, who die; together we must solve these problems, your problems, our problems—farmer and artisan, lawyer and layman, educator and economist, the busy man of affairs and he who may have retired, the pulpit and the press, the laboratory and labor, employer and employe—all must join in the solution of these great questions for the very sake of humanity itself.

I presume the proper text for this subject is found in our own Declaration of Independence and the bill of rights of the several states, it being section 2, of article I, of our own constitution: "All political power is inherent in the people; government is instituted for their equal protection and benefit and they have the right to alter, reform or abolish the same whenever they may deem it necessary."

As far as the United States of America is concerned the principle of self-government enunciated in the Declaration of Independence and insured by force of arms became, in 1787, the first foundation stone of the republic. The belated recognition of the principle in no way controverts the fact that the right had always existed. The mere fact that astronomers occasionally add a newly discovered star to the catalogue of our firmament does not mean that some new star has been created, but that the light from some real old one has just reached our earth. For centuries and centuries, almost from the first dawn of history, efforts have been made with varying success to assert this right. The pages of history scintillate with the heroic effort of many people to establish the principle of self-government. The battle being waged in this Convention is the same conflict, except in a different form, which has ever been

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waged between freedom and subjection. The battle ground may change, the cause may wax or wane, but it is the same dauntless spirit that animates the souls of men. I would not in the slightest degree impugn the motives of the opposition. The men and women of the Southland in the war of the Rebellion were none the less courageous, none the less patriotic in their purpose, none the less heroic in their martyrdom because they perished in an unholy cause.

The battle may be for national independence, and we turn to Switzerland or to Italy to Scotland or to Greece. Grim-visaged men from mountain and from valley hurl themselves with desperation on the foe. Better a thousand times to die than to live and see the heel of some foreign despot resting on the neck of their native land.

Or the struggle may have been for religious liberty. For refusing to worship at false shrines men have been hunted unto death, chained in foul dungeons and fagots have been kindled about their feet to force a renunciation of their faith. After all, in the final analysis there was little difference between Leonidas with his handful of Spartans at Thermopylae Pass, and Wallace at Sterling Bridge, or Bruce at Bannockburn, or Warren at Bunker Hill; little difference between William Tell among the Swiss mountains and John Brown at Harper's Ferry; little difference between Socrates, compelled to drink the fatal hemlock because of his disbelief in Greek gods, and other men of this very day who are persecuted because, forsooth, they have accepted the constitution for what it says and have dared to publish their opinions upon certain mooted questions.

Out of the labors and sorrows and deaths of the world's heroes have been born that degree of knowledge, that measure of religious liberty and of political freedom, which you and I now enjoy.

I say our proper text is found in the Declaration of Independence or in our own bill of rights. Strange as it may seem, that with the volumes upon volumes of encumbrances which have been piled, mountain high, upon this great epitome of human liberty, with the flood of marvelous stories of devotion and self-sacrifice which are told of its attainment, we seem to differentiate between the spirit which rebelled against the series of oppressive acts and relentless usurpations which finally resulted in the overthrow of English sovereignty and the spirit which dominated the convention which drafted our national constitution, completing its work September 17, 1787. Lest we forget that declaration entirely and that a portion of it at least may properly find its place in the record I want to refresh your memory:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their

safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

And further on in this instrument they declare:

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and consanguinity.

While yet that spirit which impelled them to separation was dominant, while yet the memories of Lexington, of Valley Forge and of Yorktown were still vivid, the formulation of the state charters began, our own being concluded November 29, 1802. What did the framers of the Declaration of Independence and of the state constitutions of that period, including our own, have in mind when they specifically declared that the people have the right to alter, reform or abolish the same whenever they deem it necessary? At the same time that they thus declared they vested the legislative power in a general assembly, establishing thereby our representative form of government, which, at that time, and as a matter of fact ever since, has been the most practical form of democracy.

In establishing the republican form of government, and at the same time declaring that when government becomes subversive of human liberty, of the absolute will of the people,—they have the right to reform or to abolish it, can it be possible that in any reformation of the form of government it was their thought to return to the form from which they had just been separated, or that succeeding generations might find the form which they were then establishing destructive of life, liberty and the pursuit of happiness when it became "their duty to throw off such government and to provide new guards for their future security?"

No man can surpass me in profound admiration for the patriotism and statesmanship of our Revolutionary fathers, and that admiration is only quickened when I read that having just separated themselves from their fatherland they were not unmindful of the fact that the form of government which they did then establish might become inimical to the well being of succeeding generations, and with a forethought that is marvelous they

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preserved to the people of such succeeding generations the right to provide new guards for their own security.

I ask you if it is not possible that they had in mind the corrupting influences which have invaded our legislative bodies, and which have been the bane of American government for the last half century? Perhaps the thought expressed in Goldsmith's "Deserted Village" was in their minds as well:

"Ill fares the land to hastening ills a prey,
Where wealth accumulates and men decay.
Princes and Lords may perish or may fade,
A breath can make them as a breath has made,
But, a bold peasantry, their country's pride,
When once destroyed can never be supplied."

I contend that in establishing a republican form of government it was the purpose of our fathers, and our constitutions guarantee it, to establish that form only as against a less popular form of government and not as against a more popular form of government.

The Crosser proposal provides for both the direct and indirect form of initiative on both proposed laws and proposed amendments to the constitution. The delegate from Hamilton [Mr. PECK] has offered an amendment eliminating the direct initiative on proposed laws. Since coming to this Convention I have formed a high admiration for Judge Peck, and regret that upon this matter I cannot follow his counsel.

What is it that has created an almost universal demand for the initiative and referendum law? The corruption and irresponsibility of legislatures, their failure to respond to the will of the people and their habit of responding too freely to the will of special privilege, and now it is proposed by this amendment that before it is possible for the people of Ohio to enact legislation which they desire they must first submit it to the servant body whose mistakes have occasioned this great awakening of the public conscience, and from whose influence, when baneful, this very bill seeks to relieve us.

I confess that the lower percentages provided for the indirect initiative would in all probability influence our citizenship to its use in preference to the direct initiative with its higher percentages, but I warn this Convention that to eliminate the direct initiative from this proposal is a virtual renunciation of popular government.

Mr. BROWN, of Highland: It occurs to me that you are in error in regard to the indirect initiative, because if the legislature does not act under the indirect initiative the law as proposed by the people under a small percentage goes direct to the people without any change, and it does not defeat in any way the application of the principle of direct legislation as I understand it.

Mr. STILWELL: I want to say to the delegate from Highland [Mr. Brown] that this is the first time this point has been raised in the debate. I have suggested it to several delegates and they have assured me that they would give it their careful attention. I realize the fact that it is more of a proposition in philosophy and is worthy of the attention of the best minds in this Convention, and for the benefit of Mr. Brown I want to repeat it.

I confess that the lower percentages provided for the indirect initiative would, in all probability, influence our citizenship to its use in preference to the direct initiative with its higher percentages, but I warn this Convention that to eliminate the direct initiative from this proposal is a virtual renunciation of popular government. The mere fact that the proposed law is ultimately submitted to the people without any modification in no way controverts the further fact that it can only be submitted to the people by an intervening act of the legislature, which body, if I have read American history aright is subservient to the people.

Mr. BROWN, of Highland: The people by initiative petition have ordered the legislature to do certain work without expense to the people. Then if the legislature refuses to do it, the whole matter goes direct to the citizenship. I don't think there is any difference between the indirect initiative and the direct initiative so far as the ultimate accomplishment is concerned.

Mr. STILWELL: By denying the people the right to the direct initiative, and thereby permitting the legislature to always submit a competing measure, we still are subject to the very influence from which, I insist, this bill seeks to rid us. The way is still left open for designing politicians and crafty plutocrats to defeat the will of the people. Don't forget this fact, fellow delegates, that when the legislature submits a competing measure you divide the affirmative vote, perhaps in two equal parts, when a fraction over a third of the voters will be able to defeat the will of the two-thirds.

Mr. KNIGHT: We understood the gentleman to say that under the indirect initiative no measure petitioned by the people could come to a popular vote without an intervening act of the legislature. May I ask, under the indirect initiative, what function the legislature has that it must or may take before that law so petitioned for shall automatically go to the people?

Mr. STILWELL: The mere fact that it has to go to the legislature presumes a legislative function.

Mr. KNIGHT: But they cannot dodge it or stop it or modify it; is not that true?

Mr. STILWELL: That probably is true, but they have the right to submit a competing measure, which will cloud the issue.

Mr. KNIGHT: I understand you to say it cannot go to the legislature until the legislature does something.

Mr. STILWELL: It cannot go to the people until it goes to the legislature.

Mr. BROWN, of Highland: If there is any difference I want to know for the benefit of the knowledge it will give me. Is there any difference between the submission of a proposal to the people direct and procuring the same proposal through the legislature?

Mr. STILWELL: There is always opportunity offered the legislature to submit along with it a competing proposition, which may raise a new issue, or cloud the issue upon which the petition is filed.

Mr. BROWN, of Highland: Why be afraid of that? That is the principle we are driving at, to secure to the people what they want, and if the people want something that the legislature can develop into a better meas-

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ure than the people can develop themselves, why should not they have a right to accept it?

Mr. STILWELL: Because it is a fact that it is the shortcomings of the legislature which created the demand.

Mr. BROWN, of Highland: Then you are afraid the people will be influenced to do something which you don't want to be done by the legislature. I think that is a matter which goes back to the principle which we are trying to avoid, the matter of being coerced.

Mr. STILWELL: Don't forget this further fact, that when the legislature submits a competing proposition you divide the affirmative vote, perhaps into two equal parts, where the fraction over one-third can defeat the other two-thirds.

Mr. SMITH, of Hamilton: You are familiar with the Washington law?

Mr. STILWELL: Yes.

Mr. SMITH, of Hamilton: Don't you think that it takes care of this proposition?

Mr. STILWELL: I do not think it does altogether. The enemies of this measure and some of the delegates who are flirting with it seem to think that if it becomes a part of the organic law our citizens are to start on a wild career of legislation.

Mr. PETTIT: Whom do you call the enemies of the initiative and referendum?

Mr. STILWELL: The men who do not vote for this proposition.

Mr. PETTIT: The men who don't agree with you?

Mr. STILWELL: You asked me a question and I want to answer it. I say the men who ultimately vote against it. I do not know of any other way of deciding. I confess I haven't any such fears. However, I know only the people of the city where I live, the sixth city of the nation, and with a single exception the most cosmopolitan city in the world, and it is my firm belief that in the use of this new form of government that would show the same spirit of wisdom, of patriotism and non-partisanship which was evidenced in an election a few years ago when they gave one certain candidate a majority of 33,000 and defeated another candidate on the same ticket by nearly 5,000.

I lose all patience with elected officials who rant about the danger of the masses whose votes they were soliciting within the same fortnight. I would lop off, if I could, the tail ends of our social life, but excepting those extremes the citizenship of Ohio is well personified in this Convention.

The matter of percentages is perhaps second in importance among the features of this bill, and should be a matter of grave concern to the friends, real friends I mean, of this proposal. I am pledged to the percentages of what have come to be known as eight, ten and twelve, and I want to read the pledge:

We, the undersigned candidates for delegates to the Ohio Constitutional Convention, do hereby swear (or affirm) that if elected we will unqualifiedly and constantly support and vote for the inclusion of the initiative and referendum in the state constitution in a form embodying percentages as follows:

The submission of constitutional amendments

on petitions of not to exceed twelve per cent of the electors; of desired laws on not to exceed ten per cent; of legislative acts on not to exceed eight per cent, and the adoption of all laws, legislative acts and constitutional amendments by a majority of the votes actually cast upon them.

We will also support the same principle of direct law-making to be applied to all political subdivisions of the state.

I want also to call your attention to the statement of another set of candidates for delegates to this Convention, who were defeated by majorities ranging from 21,000 down. They were referred to in our county as the "Municipal Association ticket." Their statement on the initiative and referendum is as follows:

In view of the widespread interest in direct legislation, we believe that the people of Ohio should be given an opportunity to decide whether provisions should be made for it in the new constitution. Therefore, if elected to the Constitutional Convention, we shall vote and work for the submission to the voters of the state of provisions giving to the people the power directly to initiate constitutional amendments and statutes and also the right to veto legislative acts. We believe that the provisions submitted to the voters should be so drawn, if adopted that the plan would be workable.

Therefore, we put ourselves on record that, if elected to the Convention, we will favor percentages of votes required to put the various parts of the plan into operation not higher than twelve per cent for the initiation of constitutional amendments, ten per cent for the initiation of statutory measures and eight per cent to secure submission to the people of legislative acts.

Compared with states where the initiative and referendum are in effect these percentages are conservative and reasonable. In fact, they are higher than the percentages required in most, if not all, of such states.

Owing to the highly controverted nature of the question, we reserve the right to exercise our individual choice as to whether the provisions for direct legislation should be included in the body of the new constitution or submitted to the people as a separate proposition. * * *

I want also to call your attention to a few of the indorsements which this ticket carried: The Bar Association, Builders' Association, Employers' Association, Federated Churches, Federation of Church Men, Ministers' Union, Personal Liberty League, Anti-Saloon League.

There were also the socialist candidates, all of whom were pledged to lower percentages than any other candidates, and they polled an average of 12,000 votes, their leading candidate, Mr. Thomas, beating the entire Municipal Association ticket and one of our candidates as well.

In addition to the tickets above mentioned I might add that there were three independent candidates, all of whom issued statements indorsing the percentages refer-

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red to. Incidentally I might say that Mr. Fackler was indorsed by the Municipal Association, so that we had in our county thirty-two candidates, every one of whom was committed to the percentages of eight, ten and twelve, and also to the direct form of initiative. The matter of the indirect initiative was never made an issue in our campaign; neither was the question of distribution of signatures.

The voters selected out of the great number of candidates the ones who were pledged in writing to not more than these percentages, and I believe that as far as the voters' purpose was concerned, it was registered with a rare degree of intelligence, for the reason that the campaign was carried into every household in the county by each of the respective tickets. The issue in that campaign last fall for the election of delegates to this Convention was largely made upon this question, and in a majority of the counties where this was the issue the indirect form of initiative was never discussed. The delegates who were pledged to and who advocated the indirect initiative are insistent, as they should be, upon keeping faith with their constituents; then I would ask those delegates why we, who were pledged to the direct initiative, should not be equally insistent upon keeping faith with our people by voting against any measure which does not provide for the direct initiative?

There are delegates here who are opposed to this proposal in any form, and I'm not doubting their honesty or impugning their motives. I simply don't agree with them. I think they are using poor judgment. They are not abreast of the people. They are marking time in the onward march of this great commonwealth toward better things. The delegates who are opposed to this principle here will oppose it at the polls, and I for one will resist to the uttermost any union on the part of the friends of the measure with those who are opposed to it for the purpose of getting a few more votes in this Convention for it and of ultimately submitting a spurious, mongrel measure to the people. I insist that inasmuch as the issue is squarely placed before the Convention, a vote against the direct initiative is an unwarranted distrust of the electors whose excellent judgment we so highly commended the day after election. We have no moral right to refer to the electors the question of their themselves submitting to the perpetual guardianship of their legislature.

I am not opposed to the indirect initiative, if submitted with the direct, but shall oppose any effort to eliminate the latter form. The kind of initiative and referendum proposal that we submit to the electors will be measured, and by them too, by that degree of confidence which we have in their intelligence, patriotism and desire to make this state a better place to live in.

I believe that all the delegates who were pledged to any percentages, were pledged to not more than certain percentages, higher than which under no circumstances would they support. It is a reasonable presumption that when anyone sets a limit beyond which he will not go, that at least he will make some effort to reduce that limit, and the people have a right to expect that we will not make this law difficult of operation.

Any further restrictions that are placed in this proposal, other than those which were made an issue last fall, should operate for a reduction of percentages. The re-

quirement herein, that at least one-half of the required number of signatures should be obtained in a majority of the counties, is a restriction that was never contemplated or advocated by any considerable number of the friends and advocates of this law. This is wrong in principle. It is dividing the unit of government into fractional parts, and as the delegate from Hamilton [Mr. WORTHINGTON] aptly put it, "We are delegates of the great state of Ohio, and not simply of the county which sent us here." It would have been just as logical for the law under which we were nominated to have required each delegate to obtain a percentage of his signatures in each of the townships of the county, or to require some of the estimable gentlemen of this Convention who are now candidates for office that in order to be properly nominated it should be necessary for them to obtain the delegates from a majority of the subdivisions of government in the district which they hope to serve.

For myself, however, I wish to state that I agreed to this distribution of percentages in order to appease any fear that the delegates from the rural districts might have that the more populous portions of the state would use this measure wantonly and to the injury of the measure itself.

The gentleman from Erie county [Mr. KING] in his opening remarks the other day, said that we should prayerfully conjure on the nature of any changes we propose in the organic law written by the fathers. Agreed — but in the spirit of optimism and hope and with abiding faith in the people of Ohio. The learned gentleman from Erie made no reference to the method of the fathers, used in changing the organic law of their day, and by his silence I am not assuming that he does not approve of their method, but in this case the change shall come, not by resort to arms, but by a resort to that greater weapon, the ballot, by means of which, slowly but surely, we shall solve the mighty problems of the human race.

Mr. HALFHILL: Is not your objection to the indirect method of the initiative an objection to recognizing the legislature as being a greater instrumentality than popular legislation?

Mr. STILWELL: I thought I made myself plain. My contention is this: That it is the corruption of legislative bodies and their failures in the past to respond to the will of the people which have created in Ohio as elsewhere this demand for this law, and now it is proposed first to submit the proposition for action by that legislative body and, failing to obtain that, permitting them to submit a competing measure.

Mr. HALFHILL: Don't you trust the people?

Mr. STILWELL: I do.

Mr. HALFHILL: On that competing measure doesn't the intelligence of the people come into play and could not the people decide which is the better law?

Mr. STILWELL: That is true, but there is always the opportunity of submitting a deceptive competing measure.

Mr. HALFHILL: The opportunity of submitting a better measure is also there?

Mr. STILWELL: That is quite possible, but not probable. My objection goes to the fundamental principle rather than the detail.

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Mr. LAMPSON: I rise to a question of personal privilege.

Mr. NYE: I would like to ask a question from the speaker before he leaves the floor.

Mr. STILWELL: I yield to Judge Nye.

Mr. LAMPSON: I will yield. I can defer mine.

Mr. NYE: I want to ask how you would prevent the influence of the Ohio State Journal, to which you refer, by the initiative and referendum?

Mr. STILWELL: I was simply calling attention to this paper for this particular day, that under the representative form of government there are so many evils existing that after all our representative government is not so perfect in form but that it might be better, and perhaps if we change to a different form it may relieve us from some of the prevailing evils.

Mr. NYE: You don't answer my question. How would you prevent that by the initiative and referendum?

Mr. STILWELL: You are asking a question which you yourself know it is impossible for me in a limited period of time to answer. You want me now to suggest the draft of a law that would obviate the corruption existing in the last session of the legislature. I confess I am not a lawyer, and I cannot do that at this time.

Mr. NYE: Is not that the kind of argument that causes the unrest among the people?

Mr. STILWELL: I don't think so, for the very reason that this difficulty exists in some of the most exalted and dignified bodies in the world, and it was recently a subject of investigation in the United States senate, as everybody knows.

Mr. NYE: Will you vote against the amendment to the proposal which does not contain the direct initiative?

Mr. STILWELL: I think I shall.

Mr. MARSHALL: I believe in the headlines you read from the paper there was an item about a mine disaster. Will you please state to the Convention the cause of that mine disaster? I want to know something about it. I am going to stand in this Convention first, last and all the time for anything to prevent mine disasters. Please read to the Convention the cause of that disaster.

Mr. STILWELL: I don't want to take the time of the Convention on a thing like that at this time.

Mr. MARSHALL: I am here to say there is nothing that touches me so deeply as these disasters in the mines that have been occurring in the United States for the last few years. I want to do all I can to bring about something that will prevent mine disasters. That is the reason I inquired as to the cause of the disaster.

Mr. STILWELL: That is not germane to this question.

Mr. MARRIOTT: Have you any objection to inserting in the proposal where it requires percentages in one-half of the counties of the state being amended so that instead of being at least one-half of the required percentages it will require you to have the total percentages from at least one-half of the counties of the state? Your proposal says from one-half of the counties of the state petitions bearing signatures of not less than one-half of the designated percentages. Would you be willing to make the percentages in the county come clear up to the four per cent?

Mr. STILWELL: I am in favor of very low per-

centages on the indirect initiative for laws or constitutional amendments that ultimately go to the people. Your point is that those percentages ought to be raised and distributed over the counties. I think it is wrong in principle, because, as I suggested in my argument, it is a subdivision of the unit of government. This state is a unit of government itself. The county is a unit of government. The congressional district for its particular purpose, is a unit of government the same as the township and the ward in the cities. Now you are dividing a unit of government into small fractional parts, and I am against it in principle. It is not fundamental.

Mr. MARRIOTT: My point is that this permits you to go to the people of the state with two per cent of all the counties of the state if you can secure the necessary percentage in one county where there is a great city. Then you reduce the percentage in all the other counties to two percent instead of requiring them to secure four.

The time of the gentleman here expired.

Mr. LAMPSON: I rise to a question of personal privilege. I have listened with a great deal of interest to the gentleman's speech, and he is a gentleman for whom I have the highest admiration. But in his opening remarks he referred to a speech I made last week and to an expression of sentiment which I did not then express and do not now, and which I have never entertained.

If I have any sentiment stronger than another, it is the love of home. I am opposed to all class legislation and class distinctions. As an employer of labor in a country printing office for a quarter of a century I never had a difference over wages with any employe and never received or uttered an unkind word to a single employe of the office. The office had the same foreman for twenty years. I have taken the pains to go to the stenographer's office and get my speech upon the subject of defending the homes — not the farms simply, and I desire to read from that speech: (Reading)

No single element in the realm of human passion has contributed so mightily to man's development as his passion for ownership in the spot of ground called home. What a wealth of love and inspiration, of tender memories, spring from that word, "homes". [Not farm.]

Here the children romp with freedom in the fields at play
And troops of friends gather on each Thanksgiving Day.

It is in the home, [not farm] both rural and city, where the sense of ownership inspires the love of country and a stability of citizenship, that makes true patriots, who form a mightier defense for the republic than all the dreadnaughts that ever plowed the seas. From these homes [not farms] have come the great men and women and the plain people who have wrought our history and created our civilization. It has been in the humble old homestead, in town and country, where very plain living and very high thinking have prevailed. But some men say that there is not room enough in the great cities for every man to own his own home. "Pity 'tis, 'tis true." But why extend the growing weakness, developing already too fast in our great centers of population, to the whole country by the imposition of all

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taxes, or, as it is called, "the single tax" on land, and thus destroy home titles, weaken the most potent influence in our civilization and destroy the right and the hope of our most stable citizenship, to gain and hold a title to the little spot of earth called home? If the Carnegies and the Rockefellers want to devise a plan that will strengthen and perpetuate the republic, add greatly to the sum of human happiness, let them develop a system by which small homes can be established in the country, perhaps near industrial centers, for worthy but poor families now in the congested districts of our great cities. Give these families an opportunity to pay for their homes in small installments on long time, at nominal or even no rates of interest. Such home occupants would become producers of food products, help to solve the high cost of living and certainly elevate the plane of our civilization.

Mr. ULMER: I rise to a point of order.

The PRESIDENT PRO TEM: The gentleman will state his point.

Mr. LAMPSON: I will be through in a moment if the gentleman will contain himself.

Mr. HOSKINS: I rise to a point of order.

The PRESIDENT PRO TEM: The gentleman from Lucas has the floor.

Mr. ULMER: I did not expect Mr. Lampson would use a question of privilege at this time to repeat his speech again.

Mr. LAMPSON: A gentleman has a right to do it when he has been misrepresented or misquoted. I shall be through in a moment.

The PRESIDENT PRO TEM: Well don't read the whole speech.

Mr. STILWELL: As I remember it, Mr. Lampson, the matter I referred to was not in your manuscript but in an answer to one of the delegates. That may save time.

Mr. LAMPSON: I will read that then:

Mr. DONAHEY: Do you know of a single state in the Union that specifically forbids the single tax?

Mr. LAMPSON: I don't care whether there is one or not. I'll stand here and defend the home owners and the farmers of the state of Ohio against this monstrous single tax being put upon them until my tongue is palsied and clings to the roof of my mouth, if it be necessary.

Mr. STILWELL: I will confess that I was half wrong and Mr. Lampson will confess that I was half right.

Mr. LAMPSON: The speech speaks for itself.

The PRESIDENT PRO TEM: Gentlemen, you are both out of order.

The gentleman from Hamilton [Mr. BIGELOW] was here recognized.

Mr. McCLELLAND: This morning, without knowing that the president wanted to speak on the subject, I made a motion, which was carried, limiting debate. I think it is due both to us and to the president that that

motion should be recalled, and I move that the time limit there fixed shall not apply to the president.

The motion was carried.

Mr. BIGELOW: Mr. President and Gentlemen of the Convention: Since a certain address was made on the floor of this Convention this morning, I have received from friends much advice as to the kind of speech I ought to make in reply. I am not sure that I shall satisfy those advisers, because I am going to dispose in a very few words of the matter upon which they were so much exercised.

In response to the address of the member from Medina county [Mr. Woods] I merely want to say that when the member from Medina county will present to this Convention a statement signed by any employe of this Convention affirming that there is the slightest grain of truth in any word the member from Medina said with reference to my having threatened any employe on the subject to which he referred, or on any other subject, directly or indirectly, then and not until then will I give further notice to other charges from that source.

Mr. WOODS: May I make a statement right here?

The PRESIDENT PRO TEM: Does the gentleman from Hamilton [Mr. BIGELOW] yield?

Mr. BIGELOW: No, sir; I will not yield. I am sorry to have to make even this statement, because but for the very serious reflection of his remarks, I would have preferred to brush aside all the personality with this sentiment:

In men whom men condemn as ill,
I find so much of goodness still;
In men whom men pronounce divine
I find so much of sin and blot
I hesitate to draw a line between the two
Where God has not.

Now just a word as to the position of the member from Medina with reference to the subject of the initiative and referendum.

I understand that the position he took is in substance, save for the fact that he proposes to penalize the legislators by loss of salary, the so-called Utah plan of the initiative and referendum. Utah has in its constitution just a blanket provision that the legislature shall establish the initiative and referendum. Of course, although Utah was the first state in the Union to put that in its constitution, even before Oregon and South Dakota, it has never had the initiative and referendum, because no legislature has paid the slightest attention to that command.

"Oh," but the member from Medina will say, "we will take the money away from them if they don't." But even so, according to his proposition he leaves with the legislature the power to say on what terms the people, who are the masters of these men in the legislature, shall exercise the sovereign power. I say that the right to name the terms upon which that power may be exercised is the right to destroy the power. And I think the member from Medina knows it as well as I do. This is the fact, that there has not been a time in ten years when the initiative and referendum proposition has been an issue before this legislature when the corporations that have come here to lobby

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against it would not have been glad to take the initiative and referendum on the terms that the member from Medina offers us. No, my friends, we have learned too much in meeting the tricks of the corporation lobbies in the last ten or fifteen years to be fooled by any such suggestion as that. Not that the member from Medina [Mr. Woods] offered it as a trick, but it is such in fact, even if it were not so intended.

Now, as to the line of argument indulged in by the member from Medina. All of these constitutional amendments providing for the initiative and referendum start out in language like this (I am quoting from the Oregon one because that happens to be at hand): "The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power." To do what? To exercise that same authority "to propose laws or amendments to the constitution." Now, it would hardly seem to need anything further to make the very obvious situation more obvious that the power that by that language is conferred on the people is the same power that the legislature itself has, and of course, if there is a constitutional limitation on the power of that legislature, that constitution must of necessity so limit the power of the people. If the constitution does not limit the people as well as the legislature, what is the sense of providing that the people may use the initiative to amend the constitution? What sense would there be in the language that the initiative can be used to amend the constitution if there is no constitution to amend? But to meet the objection of the member from Medina, we have placed in the so-called compromise measure which has been handed around a sentence stating that all constitutional inhibitions stand against the power of the initiative as well as against the legislature. But, as newspaper men say when they want to make an article so simple and plain that nobody can misunderstand it, we have made the thing "fool proof" for the especial benefit of the member from Medina.

Now I want to address myself to the subject of this proposed substitute that has been handed about. Yesterday while we were listening to the debate, I requested the following delegates to the Convention to meet in a room to consult with each other as to the possibility of evolving some plan that might satisfy a large number, at any rate, of the delegates. Those invited to help in this work were the vice president, Mr. Peck, Mr. Fackler, Mr. Crosser, Mr. Donahey, Mr. Tannehill, Mr. Keller, Mr. Johnson of Madison, Mr. Cassidy, Professor Knight and Mr. Fluke. The gentlemen went out and worked all the afternoon. The result of their work is before you.

I want to refer now to a note I received from the vice president, who by the way, asked me to request leave of absence for him as he had to go to Philadelphia. On the way he wrote me this letter to the Convention:

En route to Philadelphia, 7 p. m., Tuesday, 26, 1912.

To the Convention—Gentlemen: The proposal as now modified to meet the conflicting opinions of the friends of the principle of the initiative and referendum meets with my approval. It incorporates the Peck amendment which provides

for the direct initiative for amendments to the constitution upon the petition of twelve per cent.

It provides for the indirect initiative for laws upon a petition of six per cent. It adopts the Washington plan for the submission of competing laws, initiated by the people and the legislature. It distributes the petitions in a majority of counties and it surrounds the signatures with safeguards. It inhibits the single tax and classification of property for taxation purposes.

I think this proposal does what I would like to see done, viz., give the principle to the people but safeguard it so it cannot be abused by them.

S. D. FESS.

The position taken by the vice president is the position taken by myself, that this substitute proposal does represent every reasonable concession that we have a right to ask of the so-called ultra group here, and that it concedes all that any other group may reasonably expect the rest of us to concede, and I trust that when you have thought it over you will agree with the vice president that it does present a platform on which we may get together.

Now, as to some words that have been the occasion of more or less jocularly in this debate: I refer, first, to the much quoted statement of mine that on the subject of the initiative and referendum I have not an open mind.

The member from Hamilton county [Mr. WORTHINGTON] read approvingly Burke's idea of representative government. I will not take your time to read it again except to state that Burke's position, and I understand it to be the position of the gentleman from Hamilton [Mr. WORTHINGTON] is that there are times when it is a virtue in the representative to do that which he knows his constituents do not wish him to do. That may have been the idea of Mr. Burke and it may be the idea of other members of this Convention. I accord them the right of their opinion, but that opinion is not mine. Now I want to quote my idea of the proper function of a representative. I am quoting now from an address made by that great Boston patriot, Sam Adams, when in 1764 he, as the appointed spokesman of the Boston town meeting, delivered the instructions to the first group of representatives that they sent to the Massachusetts colonial legislature:

Gentlemen, your being chosen by the freeholders and inhabitants of the town of Boston to represent them in the general assembly the ensuing year affords you the strongest testimony of that confidence which they place in your integrity and character. By this choice they have delegated to you the power of acting in their public concerns in general as your own prudence shall direct, always reserving to themselves the constitutional right of expressing their minds and giving you further instructions upon particular matters as they at any time shall judge proper.

Now, gentlemen, that is my idea of representative government. A man who is sent to a representative body should do on all general matters as his best judg-

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ment and prudence shall direct, but in reference to those matters on which his constituents have spoken he should do not as he thinks, but as they command. The germ of monarchy lurks in Burk's notion of a representative government; the spirit of democracy is embodied in Sam Adams' notion. So I say on a matter on which my people have spoken, I have no right to an open mind. If they had suspected before the election that there was any chance of my being persuaded to change my mind on this subject I would not be here, and then I never would have had an opportunity to listen to the glowing eloquence of the member from Ashtabula [Mr. LAMPSON].

On matters on which for any reason the people have not spoken we should exercise our best judgment and keep an open mind. But I regard a representative as a soldier under orders. The trouble is when the soldiers get here they forget they are soldiers and they imagine they are generals and they turn straightway to giving commands to the people.

Now, just a word as to this Crosser proposal. The member from Hamilton [Mr. WORTHINGTON] took some of the time of this Convention finding fault with the Crosser proposal because, among other things, he found in the first paragraph that, intending apparently to amend section 1 of article II of the constitution, it amended all the sections of article II. I submit that if the member from Hamilton [Mr. WORTHINGTON] had found that error in any other proposal before this Convention, he would have gone to the author of the proposal and said to him: "My friend, did you notice this? This is evidently a mistake." If he had done that in this case, what would he have found? The member from Cuyahoga [Mr. CROSSER] would have turned to the manuscript and shown him that it was a typewritten mistake, that in the manuscript it amended section 1 of article II, and it was simply a typographical error.

Mr. WORTHINGTON: May I correct the gentleman?

The PRESIDENT PRO TEM: Will the gentleman yield?

Mr. BIGELOW: I think I should on this point.

Mr. WORTHINGTON: The member from Mahoning [Mr. ANDERSON] first called attention to that.

Mr. BIGELOW: The member from Mahoning [Mr. ANDERSON] did, but I think the member from Hamilton [Mr. WORTHINGTON] dwelt a good deal on it in his address.

Another thing that the member from Hamilton [Mr. WORTHINGTON] dwelt upon and that others dwelt upon, was the language in the Crosser proposal which said that "not more than" this, that or the other per cent should be required. The learned constitutional lawyers here, and I think there is none more able as a lawyer, and none more honorable as a gentleman than the member from Hamilton [Mr. WORTHINGTON] dwelt at considerable length upon the faulty construction and slipshod work of the Crosser proposal in that particular.

But the theory of these proposals, or at any rate the theory of the Oregon proposal which has been used as a model, was that the legislature should have the power to reduce the percentages, but that there was to be placed in the constitution itself an inhibition against the legislature requiring more than a certain amount. There is

nothing faulty in that. It is just a matter of taste how you want to put it.

Now what about the language that these constitutional lawyers criticise at such length before the Convention, attempting to belittle the work of my friend from Cuyahoga [Mr. CROSSER]? The language which they criticise is the exact language, word for word, of the Oregon proposal, and that Oregon proposal has stood the test in every court in the state of Oregon—passed through the supreme court of the state of Oregon and then was brought before the supreme tribunal of the United States and stood the fire there, and if you will pardon an expression that has given some members much merriment here, I may say that although the member from Hamilton [Mr. WORTHINGTON] seems still to be much dissatisfied with the language of the Crosser proposal wherein it exactly coincides with the Oregon provision, the supreme court of the United States did not see fit to "dot an i or cross a t" of that Oregon proposal.

Next, in regard to the single tax. My friends, I do not like to and I will not impugn the motives of any fellow delegate here, but I do impugn the motives of the Ohio State Board of Commerce, and I do believe that some delegates here have been unconsciously playing a game to discredit this Convention and thwart its purpose to serve the people of this commonwealth.

But we have silenced one after another the guns of the battery of this corporation lobby from which we have heard such thunderous shots these ten or fifteen years. One after another they have been silenced and put out of commission. Whenever we would try to get something through the legislature, some one would get up and say "unconstitutional; you cannot do it." But the Oregon amendment went from one court to another until finally it got to the supreme court of the United States, and got out again. At last that gun is silenced. So with one after another of their guns until just one funny little gun is left, and that is the "single tax" gun. Now we are going to silence that. I will tell you how we will do it. The Ohio State Board of Commerce, whose paid lobbyists have been whispering into the ears of the delegates on this floor, thought that it was going to make the records of this Convention into wadding for that single-tax gun. But we are going to block them. We are going to agree to the single-tax inhibition, so that our enemies shall not have that issue to confuse the voters and defeat them at the polls.

The substitute proposal contains what has been known among some of the delegates as the "Crites amendment." Of course, that has not yet been before the Convention because we have been full up with amendments and there has not been any opportunity to present the Crites amendment.

Let us not dodge the issue. Let us not cover anything up. I am going to point out the difference between the Lampson amendment, which we propose to strike out, and the Crites amendment, which we propose to put in. I do not want you to vote for it under misapprehension. I would rather you would defeat it and adopt the, to me, exceedingly obnoxious amendment of Mr. Lampson than have any misunderstanding as to the Crites amendment. I will tell you what it is in a few words. The Crites amendment says this—it says to the people what the present constitution says to the legislature, that no

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single-tax measures can ever be passed by the people in the state of Ohio until they have first submitted, in whatever way may be provided an amendment to the constitution permitting such legislation. If such an amendment is submitted, either by the legislature or by the initiative, and the people by direct vote at the polls indorse it and it is passed, then the constitutional door is open for the single tax. But then a law would have to be passed carrying it into effect, and that law passed by the legislature would, of course, be subject to referendum, and if passed through the initiative would, of course, have to go to the people, so that in either case, not only the constitutional amendment submitting it, but the law carrying it into operation, would have to go to a direct vote of the people and there would have to be at least two years between those votes. If the people of Ohio, with all the publicity provided for under these provisions, do twice — once on the constitutional amendment and two years afterwards on a law — do twice by their votes indorse that or any other proposition, I am not the one to say that they should not have the right to do it, and I would rather go down to defeat than agree to any other kind of inhibition.

We come now to the "caucus." That has also been a subject of much caustic comment. I will justify the caucus, if you choose to use that offensive name, by telling you a fable from a book of fairy tales recently presented to my children.

Last Saturday afternoon when I got home I thought I was going to write a speech on the initiative and referendum, but I didn't have a chance to see the inside of my study. Instead I was taken into custody by the boy of nine and his six-year-old sister. I had to sit down and read these fairy stories to them, and I spent my week-end vacation that way. Here is one of them by which I think the principle of the caucus is fully justified. It was the story of a curious kingdom far away. The king had no palace. He lived in a house that was not nearly as pretentious as many of the houses of his subjects. Of course, there was a reason for this. The reason was that long ago in this kingdom there had been a most marvelous palace. But one day an earthquake had opened the earth and this wondrous palace of the kingdom was swallowed up and disappeared. There was nothing left but a barren tract of land. According to the legend, this palace had not been built by the hands of man, but by the power of music. Music, however, had lost its primitive power and when the palace was destroyed no one could rebuild it. Yet it was the great ambition of the musicians of the kingdom to regain the lost art, to learn how to play well enough to conjure the palace back. But the trouble was that each musician wanted for himself the credit of restoring the palace to the kingdom. They would steal out early in the morning, each one thinking to get out ahead of the others, to the place where the palace had been, to play on his lyre or fife and try to bring the palace back. No one could succeed. Many tried, but every one failed, until at last two boys, not thinking themselves great musicians, made a remarkable discovery. They found that while they were indifferent players themselves that it was possible for each of them to play the same tune and not strike the same note, but not make a discord, and by so doing to make more beautiful music than either could by playing

alone. Making this discovery, they went to the master musician of the kingdom and told him about it. He paid no attention to them. Nevertheless, they were not to be discouraged. A holiday came and they determined to go out early in the morning before any other musician arrived and try what they could do. On the road out that morning they met an old man with a sad face. He had come from a distance. What was the trouble? He had been out there trying to play the palace back but had failed. The boys told him of their discovery and besought him to turn around and go back. The three went back and found that all the musicians in the kingdom had likewise thought that they would steal out ahead of the rest. They were all there. Every one of them was standing around waiting for the others to go home so that he could play the palace back and get the credit from the king. The boys waited for a time. Finally, since the musicians in their jealousy were unwilling to play, the boys said to themselves and the old man "Let us try to play together," and they began to play, and the three of them together made music more wonderful than any of the musicians in that country had heard, and the musicians forgot their suspicions of one another and began to join in until they were all taking part in the most wonderful music that had ever been heard. Then the people came rushing from all quarters with the cry, "Look, look, the palace, the palace!" The palace was rising out of the ground!

With that story I justify the caucus, the effort to get men together as brothers to work out a great problem for their state and for the coming generations.

Now, just a word more. I have an unpleasant part of my speech which I think I will leave out altogether. I have some cartoons and some postal cards, and I have circulars from the Ohio Journal of Commerce appealing for funds. I have a letter from the Ohio Manufacturers' Association telling how much it is costing them for the efforts they are making against the work of this Convention. I have some interesting letter heads giving the names of some men. I have here a Nickel Plate folder, and on it it tells how the initiative and referendum and recall are going to injure us. I have a lot of interesting things, but if I introduced them it would lead me to say unkind things. It was the member from Allen [Mr. HALFHILL] who said that he was afraid of the Huns and Vandals. Ah, these words will rise up against him at the judgment seat. The Huns and Vandals! As though the poor disinherited children of the earth that cry out from their gold-crushed hungry hell, as though they were Huns and Vandals to be feared. I say that the Huns and Vandals that this republic has to fear are the men whose pockets are gorged with the plunder of the people and whose gold drips with the tears of bondmen. Ah, my friends, it is a pitiful thing — it is a pitiful thing! To hear men talk for two weeks about the Huns and Vandals, about vested interests and property rights, about homes and farms, as though there were any of us dishonest enough to favor anything that we conceived to be in any way an injury to any man who earns an honest dollar on the farm or in the factory or accumulates property in any useful way. But it seems to me a pitiful thing that we should be so dead to the tragedies of the unfortunate that we should wrangle for two weeks here without a lofty note of love or concern for suffering

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humanity; that we should be so dead to the appeal of Him who said "Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me." I do not want to say anything unkind about any one.

Mr. HALFHILL: Will the gentleman allow me —

The PRESIDENT PRO TEM: Does the gentleman yield?

Mr. BIGELOW: Mr. President, I have sat for two weeks —

The PRESIDENT PRO TEM: The gentleman declines to yield.

Mr. BIGELOW: I have sat for two weeks and listened to a discussion of this subject by men who have not known as much about it as I think I do, and I do not think these men ought to begrudge me now just a little uninterrupted time. I do not want to say anything unkind, but I think I will quote a sentence of Scripture that will express my philosophy of history, that will portray in just a word the opposition to truth and humanity that has been manifested through all the ages, and that is at work here in this Convention now against this present effort to enlarge the freedom of men.

Oh, I remember the venerable member from Harrison [Mr. CUNNINGHAM] making at the very beginning of the debate some allusion to the Martyr of Galilee, attributing, of course, his martyrdom to the fickle mob. Even if that were so, it is not a very fortunate illustration for the member from Harrison. It is not fortunate to liken the people of the great commonwealth of Ohio to an oriental mob. But it was not true that the people murdered this man of Galilee. Here is the story:

"Then assembled together —" Who? The people? No. "Then assembled together the chief priests and the scribes and the elders." That is to say, the representatives of the people — "unto the palace of the high priest and consulted that they might take Jesus by subtlety and kill Him. But they said, Not on the Feast Day, lest there be an uproar among the people."

In conclusion, I wish to submit two reasons for making this modification of representative government. Right here in this capitol, at this time, I think it is pertinent to plead for this change, not for our sake, but for the sake of the representative himself. To illustrate what I mean I will tell a story. I do not say it is true. I say it is typical. I will not use names. I will let you judge whether or not it is a faithful picture of what has gone on in many cities and states of this Union. Here is the story:

There is a city council. A franchise is pending in that city council. The paper on which that franchise is written is worth \$10,000,000. It is worth that to the company getting the franchise. A United States senator is chief counsel for the corporation asking for the franchise. The dominant political boss of the town is a large owner of the stock of that corporation. Most members of the city council are political friends of the United States senator and the boss. Yet such is the storm of indignation in the town that even they are afraid. It all turns, as everybody knows it is going to, on the vote of one councilman. His neighbors say he is honest. But the agents of the corporation confidently claim his vote. They say they will have him when the time comes. The time comes. The night arrives. They

begin the roll call, A, B, C, down the list, until they reach that man's name. He rises in his seat. How does he vote? Remember that on his yea or nay turns \$10,000,000. How does he vote? Oh, you know how he votes. You know how they all vote. He votes "aye." Very well. Why were the agents of the corporation so sure of that man's vote? Because they knew what the people did not know, that three days before, behind the drawn curtains of a hotel room in a distant city, this councilman was met by a lobbyist who counted out on the table before them twenty thousand dollars in crisp bank notes. This man made eighteen dollars a week. He had never before seen so much money. He never dreamed of having it. It would pay off the mortgage on his house. It would set him up in business. It would make him independent for life. The lobbyist had carried the money into the hotel room, the councilman carried it out. For twenty thousand dollars he sold the rights of three hundred thousand people in the streets of their city. What have you to say about that? Indict the councilman who sells his vote! Convict him and send him to the penitentiary and disgrace his wife and his children! What about the directors of the corporation who buy councilmen? Indict them too if you can, convict them and disgrace their wives and their children! But what about ourselves? Gather the skirts of civic righteousness about ourselves and point the finger of scorn at men who have been tempted and who fall. But we know that if the city council or the state legislature did not have the final say as to grants of that kind, if the people could upset the bargain at the polls, we know that the corporations would soon get tired of buying councilmen or state legislators who could not deliver the goods, and if they no longer had that power the motive for bribery would cease. Thus you could not only protect your public property, but, more than that, you could protect your representatives from temptation, and that is your duty and mine. "Lead them not into temptation, but deliver them from evil." I say unto you, it is a finer justice, instead of hounding men into the penitentiary after they have been tempted and fallen, it is a finer justice to save them from the temptation before they fall.

One more argument. I have said we wanted the initiative and referendum for the sake of the representative. We want it for the sake of the people. You may have a fairly successful monarchy if you have an efficient king, but you cannot run a republic that way. The only safety for popular institutions is in the education of the people of the republic. I want the initiative and referendum because I believe they will make a great school of our political life. Who can tell me that the system they have had for ten years in Oregon by which the people know and feel that they are always a part of their government, that they are never divorced from it, but that they always have a reservation of power and can step in and stop anything they don't like, and can accomplish anything that the legislators refuse to do — who can tell me that this plan, by which, when questions are submitted to a vote, a pamphlet goes to every voter containing the text of the question submitted and the argument for and against so that all the voters of the state receive that pamphlet six weeks before the election — (Of course it is thrown into the waste basket by some people, and of course it is an ex-

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pense), but who can tell me that that system, persisted in, will not in time develop the most intelligent citizenship that the world ever saw? And that is what we want, my friends. Men have talked here for two weeks about the distribution of percentages and about the size of the percentages. We have been assaulted by petty complaint, captious criticisms and dire forebodings. For two weeks and more this discussion has fairly groveled in distrust and suspicion and fear. It has forced upon my mind that fine passage in *Dombey and Son*, where Dickens expressed the prayer that some good angel might uncover the housetops that we might for a single night behold the scenes of our too long neglect. Then men would arise and brush away the obstacles of their own making, that are after all nothing but specks of dust on the pathway between them and eternity. Oh! my friends, we are striking down tyranny. We are forging the greatest tools democracy ever had. We are building grander institutions for freedom and for humanity than the world has ever known. We are engaged not only in an important civic work—our task is a profoundly religious one. Do you remember how Manson, the Servant in the House, attempts to describe for the Bishop of Stocks and Bonds, the church of the Bishop of India? That Church of the Bishop—is not that which we are trying to build? “The pillars of it go up like the brawny trunks of heroes; the sweet human flesh of men and women is moulded about its bulwarks, strong, impregnable; the faces of little children laugh out from every corner-stone; the terrible spans and arches of it are the joined hands of comrades; and up in the heights and spaces there are inscribed the numberless musings of all the dreamers of the world. It is yet building—building and built upon. Sometimes the work goes forward in deep darkness; sometimes in blinding light; now beneath the burden of unutterable anguish; now to the tune of a great laughter and heroic shoutings like the cry of thunder. Sometimes, in the silence of the night time, one may hear the tiny hammerings of the comrades at work up in the dome—the comrades that have climbed ahead.

Mr. FACKLER: I wish to withdraw the amendment which I introduced.

Mr. LAMPSON: I would like to withdraw the amendment I introduced.

Mr. PECK: I will withdraw the amendment I introduced, if it is desirable. I don't know exactly what I ought to do.

Mr. CASSIDY: I now wish to offer the only genuine dyed-in-the-wool, blown-in-the-bottle, middle-of-the-road amendment.

The amendment was read as follows:

Amend Proposal No. 2 by striking out all after the word “proposal” in said proposal and substituting therefor the following:

To provide for the initiative and referendum and the legislative power.

Resolved by the Constitutional Convention of the state of Ohio,

SECTION I. At the time when the vote of the electors shall be taken for the adoption or rejection of any revision, alteration or amendments made to the constitution by this Convention, the following amendment, independently of the sub-

mission of any revision, alteration or other amendments submitted to them, shall be separately submitted to the electors, namely, that article II, section I, shall be amended so as to read as follows:

ARTICLE II.

SECTION I. The legislative power of the state shall be vested in a general assembly consisting of a senate and house of representatives but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same at the polls independent of the general assembly, and also reserve the power, at their own option, to adopt or reject any law, section of any law, or any item appropriating money in any law passed by the general assembly. The limitations expressed in the constitution on the power of the general assembly to enact laws, shall be deemed limitations on the power of the people to enact laws.

SECTION I-a. INITIATIVE. The first aforesaid power reserved by the people is designated the initiative, and the signatures of twelve per centum of the electors shall be required upon a petition to propose an amendment to the constitution.

When there shall have been filed with the secretary of state a petition signed by the aforesaid required number of electors, and verified as herein provided, proposing an amendment to the constitution the full text of which proposed amendment to the constitution shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors the proposed amendment to the constitution in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ninety days after the filing of such petition. All such initiative petitions, above described, shall have printed across the top thereof: “Amendment to the constitution proposed by initiative petition to be submitted directly to the electors.”

SECTION I-b. When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been filed with the secretary of state a petition signed by six per centum of the electors and verified as herein provided, proposing a law, or a petition signed by eight per centum of the electors and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. The proposed law or proposed amendment to the constitution shall be either approved or rejected without change or amendment by the general assembly, within four months from the time it is received by the general assembly. If any such law proposed by petition shall be approved by the general assembly it shall be subject to the referendum as herein provided. If any such amendment to the constitution proposed by petition shall be approved

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by the general assembly it shall be submitted to the electors. If any law or constitutional amendment so petitioned for be rejected, or if no action be taken thereon by the general assembly within such four months, the secretary of state shall submit the same to the electors for approval or rejection at the next regular or general election in any year. The general assembly may decline or refuse to pass any such proposed law or constitutional amendment and adopt a different and competing one on the same subject, and in such event both the proposed and competing law or both the proposed and competing constitutional amendment shall be submitted by the secretary of state to the electors for approval or rejection at the next regular or general election in any year.

All such initiative petitions last above described, shall have printed across the top thereof in the case of proposed laws, the following: "Law proposed by initiative petition to be first submitted to the general assembly," or in case of proposed amendments to the constitution: "Amendment to the constitution proposed by initiative petition to be first submitted to the general assembly."

Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors.

Any proposed law or amendment to the constitution submitted to the electors as provided in section 1-a and section 1-b, if it is approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it is approved and shall be published by the secretary of state.

If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto power of the governor.

SECTION 1-c. REFERENDUM. The second aforesaid power reserved by the people is designated the referendum, and the signatures of six per centum of the electors shall be required upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item appropriating money in any law passed by the general assembly.

No law passed by the general assembly shall go into effect until ninety days after the same shall have been filed by the governor in the office of the secretary of state, except as herein provided.

When a petition, signed by six per centum of the electors of the state and verified as herein provided, shall have been filed with the secretary of state within ninety days after any law shall have been filed by the governor in the office of the secretary of state, ordering that such law, section of such law or any item appropriating money

in such law, be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their approval or rejection such law, item or section, in the manner herein provided, at the next succeeding regular or general election in any year occurring at a time subsequent to sixty days after the filing of such petition, and no such law, item or section, shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against any such item or section, the remainder of the law shall not thereby be prevented or delayed from going into effect.

SECTION 1-d. EMERGENCY MEASURES. Acts providing for tax levies, appropriations for the current expenses of the state government and state institutions and emergency measures necessary for the immediate preservation of the public peace, health or safety, if such emergency measures upon a ye and nay vote shall receive the vote of two-thirds of all the members elected to each branch of the general assembly, shall go into immediate effect, but the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a ye and nay vote, upon a separate roll call thereon. The acts mentioned in this section shall never be subject to the referendum.

SECTION 1-e. The powers defined herein as the "initiative" and the "referendum" shall never be used to enact a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property.

SECTION 1-f. LOCAL INITIATIVE AND REFERENDUM. The initiative and referendum powers of the people are hereby further reserved to the electors of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action, such powers to be exercised in the manner now or hereafter provided by law.

SECTION 1-g. GENERAL PROVISIONS. Any initiative or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. In the case of a signer residing outside of a municipality he shall state the township and county in which he resides and in case of a resident of a municipality in addition to the name of such municipality he shall state the street and number, if any, of his residence and the ward and precinct in which the same is located. The names of all signers to such petitions shall be written in ink,

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each signer for himself. Each part of such petition shall have attached thereto the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of the signers of such petition and shall state that each of the signatures attached to such part was made in the presence of the affiant, that to the best of his knowledge and belief each signature to such part is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed it to be electors, that they so signed said petition with knowledge of the contents thereof, that each signer signed the same on the date stated opposite his name, and no other affidavit thereto shall be required.

The petition and signatures upon such petitions, so verified, shall be presumed to be in all respects sufficient, unless not later than forty days before election, it shall be otherwise proven and in such event ten additional days, shall be allowed for the filing of additional signatures to such petition, and no law or amendment to the constitution submitted to the electors by initiative petition and receiving an affirmative majority of the votes cast thereon shall ever be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same shall have been procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency.

Upon all initiative and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county.

A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section or item, submitted to the electors by referendum petition may be named in such petition and the persons who prepare the arguments or explanations, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section or item, submitted to the electors by referendum petition, or for any competing law or competing amendment to the constitution or against any law submitted by initiative petition, shall be named by the general assembly, if in session, and if not in session then by the governor.

The secretary of state shall have printed the law or proposed law or proposed amendment to the constitution together with the arguments and explanations, not exceeding a total of three hundred words for each of the same, and also the arguments and explanations not exceeding a total of three hundred words against each of the same,

and shall mail or otherwise distribute a copy of such law or proposed law or proposed amendment to the constitution together with such arguments and explanations for and against the same to each of the electors of the state, as far as reasonably possible.

Unless otherwise provided by law, the secretary of state shall cause to be placed upon the official ballots the title of any such law or proposed law or proposed amendment to the constitution to be submitted. He shall also cause the ballots to be so printed as to permit an affirmative or negative vote upon each law or proposed law or proposed amendment to the constitution.

When competing laws or competing amendments to the constitution are submitted to the electors the ballots shall be so printed that the elector can express separately by making one crossmark (X) for each, two preferences, first, as between "either measure" and "neither measure," and secondly, as between one and the other. If the majority of the votes cast on the first issue is for "neither measure," both measures fail of adoption. If a majority of the votes cast on the first issue is in favor of "either measure," then the measure receiving a majority of the votes cast on the second issue shall be the law or the amendment to the constitution as the case may be.

The style of all laws submitted by initiative petition shall be: "Be it enacted by the people of the state of Ohio," and of all constitutional amendments: "Be it resolved by the people of the state of Ohio."

The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor.

The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Legislation may be enacted to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

SECTION 2. At such election a separate ballot in the following form shall be furnished each elector desiring to vote.

INITIATIVE AND REFERENDUM.

	For Initiative and Referendum.
	Against Initiative and Referendum.

SECTION 3. Separate ballot boxes shall be provided for the reception of such ballots.

SECTION 4. The elector shall indicate his choice by placing a crossmark within the blank space opposite the words, "For initiative and referendum," if he desire to vote in favor of the amendment above mentioned, and within the blank space opposite the words. "Against initiative and

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referendum," if he desire to vote against the amendment above mentioned.

SECTION 5. If the votes for initiative and referendum shall exceed the votes against initiative and referendum, then the section above mentioned shall take the place of article II, section 1, of the constitution, regardless of whether any revision, alteration or other amendments submitted to the people shall be adopted or rejected.

Mr. CASSIDY: If the Convention will bear with me I will call attention to changes made in this proposal from the Fackler substitute and the reason for the changes.

First, on a matter of privilege, the name "Cassidy" ought not to appear in front of that proposal—that was a mistake. I have not had anything further to do with the make-up of this substitute than would a stenographer who might take a dictation of it.

The first change you observe is in typewriting on page 1. That was made to meet the objection of the member from Medina this morning.

In line 20 and in line 33 the words "presented to" are changed to "filed with." That also was made to meet the objection of the member from Medina. In line 26 the word "preceding" should be "succeeding."

In line 27 the word "presentation" is stricken out and the word "filing" inserted in lieu thereof.

In section 1-b there are two main changes. Section 1-b in the Fackler substitute provided for the indirect initiative on both laws and constitutional amendments on the petition of four per cent of the electors. This provides for the indirect initiative of laws on the basis of six per cent and for the indirect initiative on constitutional amendments on the basis of eight per cent. That is one of the main changes in section 1-b.

The other main change which was suggested to and agreed upon by this committee was in lengthening the time in which the general assembly was allowed to consider a measure. That has been changed from sixty days to four months. You will find in line 40 of the yellow paper that four months was inserted instead of the sixty days as appeared in the Fackler substitute.

Now I want to call your attention to a change in line 65 of the yellow printed paper. Insert a period after the words "secretary of state" and strike out the words in the same manner as acts of the general assembly.

Now a matter, not of vital principle, but as a matter of detail for your consideration, let me suggest to you a point that has been raised by one member of the committee. You may make a note of it and decide whether or not, in view of lines 176 to 184 inclusive, the sentence beginning with line 67 and ending with the word "constitution" in line 71 is any longer needed. It has been suggested that that sentence is not now necessary. That is not a matter of principle but one of detail and I suggest that it may be considered.

Mr. KNIGHT: I think they refer to two different things.

Mr. CASSIDY: Very well. On page 4, line 90, I want to call your attention to the length of time the petition on referendum has to be filed with the secretary of state prior to election. My recollection is in the

original proposal it was thirty days prior, but the committee which talked this matter over decided to change it to sixty days, for this reason: Later on you will find that twenty days are given to attack petitions for having spurious names on them. That reduces the time prior to election to forty days and then there are ten days additional given to get new signatures to take the place of those stricken out. This reduces the time that the secretary will have to prepare the ballots for election to thirty days; that time is short enough and in order to give him an opportunity to prepare the ballot to comply with the other election laws of the state, we have extended the time for filing referendum petitions to sixty days before the election. I think that change was wise.

On page five, I call your attention to line 96, beginning at the first of that paragraph in line 95. The Fackler substitute read as follows: "Acts providing for tax levies, appropriations for the current expenses of the state and other emergency measures." In order that there might not be any mistake about it, the committee thought better to insert the words "government and state institutions" so that it will read as follows: "Acts providing for tax levies, appropriations for the current expenses of the state government and state institutions and emergency measures necessary," etc.

Now in line 103 is something else new: "The acts mentioned in this section shall never be subject to referendum"—that is, acts providing for tax levies, appropriations for current expenses of the state government and state institutions and emergency measures necessary for the immediate preservation of the public peace, health or safety.

In lines 104 to 109, inclusive, is what has been designated as the Crites amendment, to get us around a ticklish part. It is so plain that I will not read it. It is an entirely new matter and was adopted by the committee.

Mr. LAMPSON: Is the only change that the committee intends to make in this amendment from my amendment to insert the matter of classifications?

Mr. CASSIDY: I shall have to refer you to the committee. I am only a very humble minor member of the committee.

Mr. LAMPSON: You intended to inhibit what is known as the single tax on land values?

Mr. CASSIDY: Yes. Now, in line 119, on page 6, there is the requirement that each signer must be an elector of the state. That is new matter. It did not appear in any of the other proposals or substitutes. In line 120 there is a requirement that each signer shall place after his name the date of signing. That also is new and was taken by the committee from the statute regulating the signing of nomination papers.

Then the sentence commencing in line 121, "In the case of a signer residing outside of a municipality, he shall state the township and county in which he resides, and in case of a resident of a municipality, in addition to the name of such municipality, he shall state the street and number, if any, of his residence and the ward and precinct in which it is located." That also is taken from the form that is given in the statute for nomination papers. The idea of the committee was to enable the signers of these petitions to be easily identified.

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The next sentence, beginning in line 125 and terminating in line 126, "The names of all signers to such petitions shall be written in ink, each signer for himself," is taken, word for word, from the law now governing the signing of nomination papers. That also is new matter.

Now I want to call your attention to lines 120 and 129. These lines have reference to the affidavit which must be made by the person who has solicited the signatures, and the words I want especially to call your attention to are as follows: "Each affidavit shall contain a statement of the number of signers to such petition." The idea back of that is this: A person might take out a long blank and get a half dozen names to it and then he might make his affidavit and let that blank be taken by someone else to get other names, and the affidavit first made would hold as to those other names also, although the person signing the affidavit had not taken that second bunch of names. The committee did not want to permit that. We talked first of having the person who made the affidavit write in the affidavit the name of every signer who had signed it up to the time he made his affidavit, but we thought that might require, where there were long petitions of hundreds of names, an extraordinary and unnecessary amount of writing, so, at the suggestion of the gentleman from Cincinnati [Mr. PECK] we adopted the wording which requires the affidavit to contain a statement, not of the names, but of the number of signers.

Lines 132, 133 and 134 contain new matter, requiring in this affidavit the person who made it to say that he believed every one who signed it to be electors, and further that they all signed it with knowledge of what it contained, and that they signed their own names.

Now on page 8, line 171, the first five words in that line I want especially to call attention to: "Unless otherwise provided by law." The requirements of the original proposal and of the substitute were to the effect that when any law or any bills petitioned for in either way should be submitted to the electors for their decision at the election, the full title of the bill should be printed on the bills. Some bills have very long titles and some bills have very misleading titles, and in some states where this thing has been tried for a number of years the attorney general of the state has been authorized by law to prepare what is put on the ballot instead of copying the whole title or using a misleading title. So, in order that we in Ohio might have the same advantage that they have in those other states, those five words were inserted: "Unless otherwise provided by law," and that will give the legislature a chance to regulate the matter if it is abused by putting long or misleading titles on it.

Lines 176 to 184, inclusive, provide for a submission of competing laws or amendments. That is entirely new. That is the handiwork of the member from Franklin county [Mr. KNIGHT] and it expresses shortly and clearly the method that shall be used in submitting competing measures and in taking the vote thereon.

In lines 191 and 192 there are one or two verbal changes.

There is a modification of section 1-f, page 5. As the original proposal read the initiative and referendum powers of the people were reserved to each city, village,

township, county, school district or other political subdivision. The committee thought it would simplify matters to reserve those powers to municipalities only. Hence, they strike out all about cities, villages, school districts, counties, townships, and substitute the word "municipalities". Under this those powers alluded to in that particular section, 1-f, are reserved to municipalities alone.

Mr. MALIN: Line 186 doesn't make any provision for the legislature passing laws.

Mr. CASSIDY: That only applies to laws initiated by the people.

Mr. THOMAS: Line 14—is it not the intent of the committee to put a comma after the second word "law," before the word "or"?

Mr. CASSIDY: I suppose you are right.

Mr. CROSSER: I don't think he is right.

Mr. CASSIDY: I thought I was right, but I have found out that I do not know everything.

Mr. THOMAS: In line 103, should not the word "not" take the place of "never?" I do not like the word "never" in any provision.

Mr. CASSIDY: It does not make any difference. It means as long as this stays in this form.

Mr. PECK: It is right as it is.

Mr. THOMAS: Of course the committee on Phraseology will so change it if it is necessary. But it is certain in line 174 the word "as" should be "an".

The delegate from Cuyahoga [Mr. STILWELL] and the delegate from Hamilton [Mr. SMITH] each sought recognition.

Mr. SMITH, of Hamilton: I think I know what Mr. Stilwell is going to introduce. He is going to introduce an amendment providing for the direct initiative. I am perfectly willing to let him have the right of way, but I wonder if it is in order to offer an amendment striking out the direct and providing only for the indirect?

Mr. STILWELL: Why not have a direct vote on the question? What is your amendment?

Mr. SMITH, of Hamilton: To strike out 1-a, which strikes out the direct method of submitting amendments to the constitution.

Mr. OKEY: The gentleman from Logan [Mr. CASSIDY] started to explain that they left the word "municipality" only in section 1-f. As a matter of information why were those other words left out?

Mr. CASSIDY: There was considerable discussion in the committee about that, and as I recollect it some of the members raised the question as to what legislative action county commissioners or the county could take.

Mr. PECK: It was claimed that there was no legislative body in a county government.

Mr. CASSIDY: On the whole the committee thought it would simplify it by reserving this power only to municipalities, and it was further thought that in any event the legislature could confer the power on the county if it wanted to.

Now, as representing the committee, I want to say that I am under obligation to the member from Mahoning [Mr. ANDERSON] for yielding to me or the committee in presenting it, as the amendment that Mr. Anderson had prepared covered all the ground and we have stolen considerable of his thunder.

Mr. SMITH, of Hamilton: Now I want to get this.

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straight: After Mr. Stilwell's amendment has been acted upon I understand I can introduce mine.

Mr. STILWELL: I just want to offer a word of explanation before I tender this amendment. The only thing it does is to incorporate into the proposal now before us the direct form of the initiative upon a petition of eight per cent of the electors. It simply provides for the direct form of the initiative. I offer this amendment.

The amendment was read as follows:

Amend the amendment to Proposal No. 2, offered by Mr. Cassidy, as follows:

Strike out lines 16 to 30 inclusive and insert:

SECTION 1-a. INITIATIVE. The first aforesaid power reserved by the people is designated the initiative and the signatures of eight per centum of the voters shall be required upon a petition to propose any law, and of twelve per centum upon a petition to propose an amendment to the constitution.

When there shall have been filed with the secretary of state a petition signed by the aforesaid required number of electors and verified as herein provided, proposing a law or an amendment to the constitution the full text of which proposed law or amendment to the constitution shall have been set forth in such petition, the secretary of state, shall submit for the approval or rejection of the electors the proposed law or amendment to the constitution in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ninety days after filing of such petition. All such initiative petitions above described, shall have printed across the top thereof, in the case of proposed laws, the following: "Law proposed by initiative petition to be submitted directly to the voters," or, in case of proposed amendment to the constitution: "Amendment to the constitution proposed by initiative petition to be submitted directly to the voters."

Mr. SMITH, of Hamilton: Now I offer my amendment. It simply provides that there shall be no direct initiative.

The amendment was read as follows:

Amend the substitute to Proposal No. 2—offered by Mr. Cassidy, as follows:

Strike out section 1-a and renumber the following sections.

Mr. PECK: I don't think we could have a better time to attempt to vote than right now, and I move the previous question on the proposal and the amendment. The motion was lost.

Mr. DOTY: I demand the yeas and nays on each of those two amendments.

The PRESIDENT: The question is on the adoption of the amendment offered by the delegate from Hamilton [Mr. SMITH].

Mr. MARRIOTT: I would like to be advised before voting. I do not understand how an amendment offered by the gentleman from Hamilton [Mr. SMITH]

can strike out an amendment offered by the gentleman from Cuyahoga [Mr. STILWELL] until that amendment of the gentleman from Cuyahoga has been voted on.

The PRESIDENT: It is an amendment to the amendment. The question is on the adoption of the amendment offered by the delegate from Hamilton [Mr. SMITH] to the amendment offered by the gentleman from Cuyahoga [Mr. STILWELL].

Mr. STILWELL: Now, that I may understand the matter, we don't get to vote on my amendment until the amendment offered by the delegate from Hamilton [Mr. SMITH] is voted on.

Mr. SMITH, of Hamilton: Here is the exact situation: You offer an amendment providing for the direct initiative. My amendment provides for the indirect. Those who are in favor of the direct, by voting against mine, will have a chance to vote against yours.

Mr. STILWELL: Why not withdraw your amendment and let the vote come on mine?

Mr. SMITH, of Hamilton: I will do it.

Mr. MILLER, of Ottawa: I move that the pending proposal and all amendments be laid upon the table, and upon that motion I demand the yeas and nays.

Mr. DOTY: I was looking the other way and didn't get that motion.

The PRESIDENT: The gentleman from Ottawa [Mr. MILLER] moves to lay the pending proposal and all the amendments on the table.

The motion was seconded.

Upon which the yeas and nays were regularly demanded.

The yeas and nays were taken, and resulted—yeas 16, nays 96, as follows:

Those who voted in the affirmative are:

Antrim,	Dunlap,	Mathews,
Campbell,	Evans,	Miller, Ottawa,
Cody,	Halfhill,	Norris,
Collett,	Harris, Ashtabula,	Worthington.
Colton,	Jones,	
Cunningham,	Kerr,	

Those who voted in the negative are:

Anderson,	Hahn,	Mauck,
Baum,	Halenkamp,	McClelland,
Beatty, Morrow,	Harbarger,	Miller, Crawford,
Beatty, Wood,	Harter, Huron,	Miller, Fairfield,
Beyer,	Harter, Stark,	Moore,
Bowdle,	Henderson,	Nye,
Brattain,	Hoffman,	Okey,
Brown, Highland,	Holtz,	Partington,
Brown, Lucas,	Hoskins,	Peck,
Brown, Pike,	Hursh,	Pettit,
Cassidy,	Johnson, Madison,	Pierce,
Cordes,	Johnson, Williams,	Read,
Crites,	Kehoe,	Redington,
Crosser,	Keller,	Riley,
Davio,	Kilpatrick,	Rockel,
DeFrees,	King,	Rochm,
Donahey,	Knight,	Rorick,
Doty,	Kramer,	Shaffer,
Dunn,	Kunkel,	Shaw,
Dwyer,	Lambert,	Smith, Geauga,
Earnhart,	Lampson,	Smith, Hamilton,
Elson,	Leete,	Soletcher,
Fackler,	Leslie,	Stalter,
Farnsworth,	Longstreth,	Stamm,
Farrell,	Ludey,	Stevens,
FitzSimons,	Malin,	Stewart,
Fluke,	Marriott,	Stilwell,
Fox,	Marshall,	Stokes,

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Taggart, Ulmer, Winn,
Tannehill, Wagner, Wise,
Tetlow, Watson, Woods,
Thomas, Weybrecht, Mr. President.

The roll call was verified.
So the motion to table was lost.

Mr. KNIGHT: I now move to lay on the table the amendment offered by the delegate from Cuyahoga [Mr. STILWELL], and on that I demand the yeas and nays.

The motion was seconded.

The yeas and nays were taken, and resulted — yeas 70, nays 41, as follows:

Those who voted in the affirmative are:

Antrim,	Harris, Ashtabula,	Peck,
Baum,	Harter, Stark,	Pettit,
Beatty, Morrow,	Henderson,	Redington,
Beyer,	Holtz,	Riley,
Bowdle,	Johnson, Madison,	Rockel,
Brattain,	Johnson, Williams,	Rorick,
Brown, Highland,	Jones,	Shaw,
Brown, Lucas,	Kehoe,	Smith, Geauga,
Brown, Pike,	Keller,	Smith, Hamilton,
Campbell,	King,	Stalter,
Cassidy,	Knight,	Stamm,
Cody,	Kramer,	Stevens,
Collett,	Lampson,	Stewart,
Colton,	Leete,	Stokes,
Crites,	Longstreth,	Taggart,
Dunlap,	Ludey,	Tannehill,
Dunn,	Marriott,	Ulmer,
Dwyer,	Matthews,	Wagner,
Earnhart,	McClelland,	Weybrecht,
Elson,	Miller, Fairfield,	Winn,
Evans,	Miller, Ottawa,	Woods,
Farnsworth,	Norris,	Worthington.
Fluke,	Nye,	
Fox,	Partington,	

Those who voted in the negative are:

Anderson,	Halfhill,	Miller, Crawford,
Beatty, Wood,	Harbarger,	Moore,
Cordes,	Harter, Huron,	Okey,
Crosser,	Hoffman,	Pierce,
Cunningham,	Hoskins,	Read,
Davio,	Hursh,	Roehm,
DeFrees,	Kerr,	Shaffer,
Donahay,	Kilpatrick,	Solether,
Doty,	Kunkel,	Stilwell,
Fackler,	Lambert,	Tetlow,
Farrell,	Leslie,	Thomas,
FitzSimons,	Malin,	Watson,
Hahn,	Marshall,	Wise
Halenkamp,	Mauck,	

The roll call was verified.
So the motion to table was carried.

Mr. SMITH, of Hamilton: I now again offer my amendment. I don't want anybody to vote for it under misapprehension. It strikes out all form of the direct initiative.

The amendment was again read.

Mr. DOTY: I move to lay that amendment on the table, and on that I demand the yeas and nays.

The yeas and nays were taken, and resulted—yeas 67, nays 45, as follows:

Those who voted in the affirmative are:

Anderson,	Cassidy,	Donahay,
Beatty, Morrow,	Cordes,	Doty,
Beatty, Wood,	Crites,	Dunn,
Bowdle,	Crosser,	Dwyer,
Brown, Highland,	Davio,	Earnhart,
Brown, Pike,	DeFrees,	Fackler,

Farrell,	Kramer,	Roehm,
FitzSimons,	Kunkel,	Shaffer,
Fluke,	Lambert,	Smith, Geauga,
Fox,	Leete,	Solether,
Hahn,	Leslie,	Stevens,
Halenkamp,	Malin,	Stilwell,
Harbarger,	Marshall,	Stokes,
Harter, Huron,	McClelland,	Tannehill,
Hoffman,	Miller, Crawford,	Tetlow,
Hoskins,	Moore,	Thomas,
Hursh,	Okey,	Ulmer,
Johnson, Madison,	Partington,	Wagner,
Johnson, Williams,	Peck,	Watson,
Kehoe,	Pierce,	Wise,
Keller,	Read,	Mr. President.
Kilpatrick,	Redington,	
Knight,	Rockel,	

Those who voted in the negative are:

Antrim,	Harris, Ashtabula,	Norris,
Baum,	Harter, Stark,	Nye,
Beyer,	Henderson,	Pettit,
Brattain,	Holtz,	Riley,
Brown, Lucas,	Jones,	Rorick,
Campbell,	Kerr,	Shaw,
Cody,	King,	Smith, Hamilton,
Collett,	Lampson,	Stalter,
Colton,	Longstreth,	Stamm,
Cunningham,	Ludey,	Stewart,
Dunlap,	Marriott,	Taggart,
Elson,	Matthews,	Weybrecht,
Evans,	Mauck,	Winn,
Farnsworth,	Miller, Fairfield,	Woods,
Halfhill,	Miller, Ottawa,	Worthington.

The roll call was verified.
The motion to table was carried.

Mr. KNIGHT: In line 175 there should be an amendment. I will read the sentence beginning in line 173, and the whole sentence ought to be amended to read as follows: "He shall also cause the ballots to be so printed as to permit an affirmative or negative vote upon each law, section of law or item appropriating money in a law, or proposed law or proposed amendment to the constitution."

I move to amend that.

By unanimous consent the amendment was made.

Mr. PIERCE: I demand to offer an amendment.

The amendment was read as follows:

Amend the amendment to Proposal No. 2—
Mr. Crosser, offered by Mr. Cassidy, as follows:
Strike out lines 104 to 109 inclusive.

Mr. LAMPSON: I move to table that, and on that I demand the yeas and nays.

The yeas and nays were taken, and resulted—yeas 74, nays 38, as follows:

Those who voted in the affirmative are:

Anderson,	Crites,	Holtz,
Antrim,	Cunningham,	Hoskins,
Baum,	Dunlap,	Johnson, Madison,
Beatty, Morrow,	Dunn,	Jones,
Beyer,	Dwyer,	Kehoe,
Brattain,	Earnhart,	Keller,
Brown, Highland,	Elson,	King,
Brown, Lucas,	Evans,	Knight,
Brown, Pike,	Fackler,	Kramer,
Campbell,	Farnsworth,	Lambert,
Cassidy,	Fluke,	Lampson,
Cody,	Fox,	Leete,
Collett,	Halfhill,	Leslie,
Colton,	Harris, Ashtabula,	Longstreth,

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Ludey,	Peck,	Stokes,
Marriott,	Pettit,	Taggart,
Marshall,	Riley,	Tannehill,
Matthews,	Rockel,	Tetlow,
McClelland,	Rorick,	Wagner,
Miller, Crawford,	Shaw,	Watson,
Miller, Fairfield,	Smith, Geauga,	Weybrecht,
Miller, Ottawa,	Solether,	Winn,
Norris,	Stalter,	Woods,
Nye,	Stevens,	Mr. President.
Partington,	Stewart,	

Those who voted in the negative are:

Beatty, Wood,	Harter, Huron,	Pierce,
Bowdle,	Harter, Stark,	Read,
Cordes,	Henderson,	Redington,
Crosser,	Hoffman,	Roehm,
Davio,	Hursh,	Shaffer,
DeFrees,	Johnson, Williams,	Smith, Hamilton.
Donahey,	Kerr,	Stamm,
Doty,	Kilpatrick,	Stilwell,
Farrell,	Kunkel,	Thomas,
FitzSimons,	Malin,	Ulmer,
Hahn,	Mauck,	Wise,
Halenkamp,	Moore,	Worthington.
Harbager,	Okey,	

The roll call was verified.

The motion was carried.

Mr. PECK: This measure seems to be in as perfect condition as we can get it if we fuss over it for a month, and I move the previous question.

Mr. HALFHILL: I have an amendment I would like to offer.

Mr. DOTY: I submit that the member from Allen [Mr. HALFHILL] should be allowed to offer his amendment.

The PRESIDENT: Does the member insist on his motion for the previous question?

Mr. PECK: Yes.

The motion was lost.

Mr. HALFHILL: I now offer an amendment.

The amendment was read as follows:

Amend the substitute to Proposal No. 2 as follows:

Add to line 109 the words "or to submit an amendment to the constitution authorizing an exercise of the powers inhibited by this section."

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

Mr. HALFHILL: I want to be heard on that amendment.

Mr. DOTY: I rise to a point of order. The delegate from Allen had the floor and there could not be a motion to table while he was on the floor.

The point of order was sustained.

Mr. Halfhill, having the floor, yielded it for a motion to recess.

Mr. KING: I move that we recess until ten o'clock tomorrow morning.

The motion was lost.

Mr. Halfhill was recognized.

Mr. PECK: I move to lay that amendment on the table.

Mr. HALFHILL: I have the floor.

Mr. PECK: Have you a perpetual lease on the floor?

Mr. HALFHILL: No; but having secured it my rights are beyond question now.

This brings up fairly and squarely—

Mr. FACKLER: May I ask the gentleman a question?

Mr. HALFHILL: Certainly.

Mr. FACKLER: Who suggested that amendment that you have just introduced?

Mr. HALFHILL: That amendment is my amendment that I have been championing all through this debate.

Mr. FACKLER: Haven't you talked to Mr. Conway about it?

Mr. HALFHILL: I do not know Mr. Conway and I consider the question impertinent. This is the position that I have occupied in debate all the way through. If you want to vote it down vote it down and you will have the chance. I do not know Mr. Conway and I do not know anything about this compromise proposal that has been brought in here. I never had an opportunity to look at it until it was laid on my desk late this afternoon. I am struggling along the best I can after a brief examination of this compromise proposal, to present my views on this motion which is now before you and brings up the question heretofore presented by the Lampson amendment, and which is left out of the "yellow paper," this last amended proposal, if I understand it at all. This proposition brought here for our consideration in section 1-e makes no provision whatever for the vital thing in the Lampson amendment.

Mr. BEATTY, of Wood: Will the president please give us order. I changed my vote, after having voted the way I intended to vote, to the other way on that last roll call because I could not hear and I did not know what I was voting on.

The PRESIDENT: The sergeant-at-arms will please maintain order.

Mr. HALFHILL: Section 1-e, line 104, provides "that the powers defined herein as the initiative and referendum shall never be used to enact a law authorizing any classification of property for the purpose of levying different rates of taxation thereon, or of authorizing any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property," to which I want to add the amendment which I will read again, viz: "or to submit an amendment to the constitution authorizing an exercise of the powers inhibited by this section."

Mark you the difference between the proposal put in here now and the one debated for a number of days and which resulted in this so-called compromise that has been brought in here for your consideration and which you are considering now.

I am perfectly content with this compromise as far as it goes. I am perfectly satisfied that we have got into this proposal something which inhibits the passing of a statute law authorizing the single tax. It prohibits both the single tax and the classification of property. I am perfectly content with that. That is what I have contended for, the inhibition of the single tax. Now, what was the other thing that we contended for in the argument made here and that was made apparent by the argument on the other side? The argument

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I made here and have constantly asked you to consider was that we should not amend the constitution by the direct initiative because of the fact that in the state of Oregon and in the other states they would submit several amendments to the constitution at the same election and that we would get to the question of the single tax by insidious approaches. I ask you to put that fairly and squarely so that the constitution can not be directly amended by virtue of these powers, and so that we can only vote upon it fairly and squarely after passing the proposed amendment through the legislature. It makes all the difference in the world. If you gentlemen are satisfied with this, well and good, and if I don't understand this proposal correctly I want to be made to understand it. I don't want to come in here at the end of three weeks' discussion and be moved by any sentimental reasons to close debate by demanding the previous question until we understand where we are with this proposition, which is the fifth one before us.

Mr. ANDERSON: I want to understand your position: Do you claim as it is in this so-called compromise that no single tax could be had in the state of Ohio unless the state as a unit voted to take it out of the constitution and then vote in the law passed on the referendum?

Mr. HALFHILL: If I understand the compromise, in the brief time we have had to examine it, it does not in any way prohibit amending the constitution by the initiative so as to set aside completely this single tax inhibition.

Mr. ANDERSON: But we can not have the single tax until such time as the state as a unit votes on it constitutionally.

Mr. HALFHILL: The argument I made in favor of the amendment, as originally introduced, was that we should know when we voted on the single tax exactly what we voted for.

Mr. ANDERSON: Would not we know what we are voting on when the single tax came up before the people for a change in the constitution—wouldn't they know it then?

Mr. HALFHILL: As I understand it there is nothing that inhibits the direct submission of two or three different kinds of amendments which would be the first, second and third steps toward the single tax, and submitting them at any election—for instance, they could have county home rule in taxation submitted at the same election and at the same time with other amendments. There could, at the same time, be two or three different kinds of amendments to the constitution that all look to wiping out this inhibition.

Mr. ANDERSON: You want an amendment to this compromise so that it can not be changed by the initiative and referendum and can only be changed as the constitution now provides?

Mr. HALFHILL: That is the idea exactly.

Mr. ANDERSON: But under the terms of the proposal the single tax can not be had in any district in Ohio until the state as a unit votes on it.

Mr. HALFHILL: I submit that according to the original argument I made, I pointed out the difference, and showed the several amendments that were submitted in the same election in the state of Oregon. There can be three or four or more amendments directly sub-

mitted here under the initiative at the same election, and any one of those three or four being adopted approaches the question of the single tax. I want you distinctly to understand my position. I have opposed the single tax always from the time I first knew anything about it. When I was a boy I read Henry George's works and they were very popular in the West. I think I know something about his doctrines, and the "Huns and Vandals" that I am talking about are not the intelligent poor people, are not the people who have but little of this world's goods, not the honest proletariat, but the insidious singletaxer, the beneficiary of great funds of the rich who plots behind closed doors, and who will not fight in the open. That is the kind of man I am talking about when I refer to the "Huns and Vandals." Now my position here is that if we put in this amendment that I offer then you go to the legislature and when the legislature sends out the amendment that amendment is adopted only by a majority of the votes cast at that election. Now there is a great margin of difference in the arrangement. By direct initiative petition a majority of the votes cast upon any one of a half a dozen propositions which may be marshalled one after another to lead up to the single tax, adopts that proposition, and it becomes part of the fundamental law by a majority vote on that amendment.

If you gentlemen are content with that, all right; I am not. I want the constitution amended only in the regular way, as we have it now, and then when it comes to a vote let us know what we are voting on, let us know that it takes a majority of the votes cast at that election, not a majority of the votes cast upon any single proposition submitted in this way. That is all I care to say. I am satisfied with the inhibition of the single tax so far as it goes; but it utterly fails to protect the constitution against direct assault by initiative petition for its amendment.

Mr. ANDERSON: Mr. President: I do not believe there will ever come a time in Ohio that there will be enough "Huns and Vandals" to carry an election, nor do I believe there will ever come a time that there is not enough intelligence among the voters to know, especially the way it is safeguarded in this proposal, what they are voting for, and when there are enough people in Ohio that, knowing what they are voting for, go to the polls and vote for the single tax, and a majority of them vote for it, they should have it. I may have stated it awkwardly. I do not want the single tax by piecemeal. They can not get it under this proposal. The whole state as a unit has to vote on it, and, consequently, I think this amendment offered by the gentleman from Allen [Mr. HALFHILL] is unnecessary, and I move that this amendment be laid on the table.

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

The yeas and nays were taken, and resulted—yeas 69, nays 42, as follows:

Those who voted in the affirmative are:

Anderson,	Crosser,	Earnhart,
Beatty, Wood,	Davio,	Fackler,
Beyer,	DeFrees,	Farrell,
Bowdle,	Donahey,	FitzSimons,
Cassidy,	Doty,	Fluke,
Cordes,	Dunn,	Fox,
Crites,	Dwyer,	Hahn,

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Halenkamp,	Lambert,	Roehm,
Harbarger,	Leete,	Shaffer,
Harter, Huron,	Leslie,	Smith, Hamilton,
Harter, Stark,	Ludey,	Solether,
Henderson,	Malin,	Stamm,
Hoffman,	Marshall,	Stevens,
Hoskins,	Mauck,	Stilwell,
Hursh,	McClelland,	Stokes,
Johnson, Madison,	Miller, Crawford,	Tannehill,
Johnson, Williams,	Moore,	Tetlow,
Kehoe,	Okey,	Thomas,
Keller,	Peck,	Ulmer,
Kilpatrick,	Pierce,	Wagner,
King,	Read,	Watson,
Knight,	Redington,	Wise,
Kunkel,	Rockel,	Mr. President.

Those who voted in the negative are:

Antrim,	Halfhill,	Pettit,
Baum,	Harris, Ashtabula,	Riley,
Beatty, Morrow,	Holtz,	Rorick,
Brattain,	Jones,	Shaw,
Brown, Highland,	Kerr,	Smith, Geauga,
Brown, Lucas,	Kramer,	Stalter,
Campbell,	Lampson,	Stewart,
Cody,	Longstreth,	Taggart,
Collett,	Marriott,	Weybrecht,
Colton,	Matthews,	Winn,
Cunningham,	Miller, Fairfield,	Woods,
Dunlap,	Miller, Ottawa,	Worthington.
Elson,	Norris,	
Evans,	Nye,	
Farnsworth,	Partington,	

The roll call was verified.

The amendment was tabled.

Mr. THOMAS: I offer an amendment.

The amendment was read as follows:

Amend the substitute to the proposal by striking out the word "six" in line 33, and the word "eight" in line 35 and inserting in lieu thereof the word "five."

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

A vote was taken viva voce.

Mr. BROWN, of Highland: I demand the yeas and nays on that.

In response to request the delegate from Highland withdrew the demand for the yeas and nays and a division being taken the motion to table was carried 84 to 24.

Mr. PECK: I now move the previous question on this proposal and all amendments.

The motion was carried.

The PRESIDENT: The question is on the amendment offered by the delegate from Logan.

Several DELEGATES: The yeas and nays.

The PRESIDENT: Now we are voting on this yellow sheet, the compromise agreement.

Upon which the yeas and nays were regularly demanded.

The yeas and nays were taken, and resulted — yeas 91, nays 21, as follows:

Those who voted in the affirmative are:

Anderson,	Bowdle,	Cordes,
Baum,	Brown, Highland,	Crites,
Beatty, Morrow,	Brown, Lucas,	Davio,
Beatty, Wood,	Brown, Pike,	Donahay,
Beyer,	Cassidy,	Doty,

Dunn,	Knight,	Roehm,
Dwyer,	Kramer,	Rorick,
Earnhart,	Kunkel,	Shaffer,
Elson,	Lambert,	Shaw,
Fackler,	Lampson,	Smith, Geauga,
Farnsworth,	Leete,	Smith, Hamilton,
Farrell,	Leslie,	Solether,
FitzSimons,	Longstreth,	Stalter,
Fluke,	Ludey,	Stamm,
Fox,	Malin,	Stevens,
Hahn,	Marriott,	Stewart,
Halenkamp,	Marshall,	Stokes,
Harbarger,	Matthews,	Taggart,
Harter, Huron,	Mauck,	Tannehill,
Harter, Stark,	McClelland,	Tetlow,
Henderson,	Miller, Crawford,	Thomas,
Hoffman,	Miller, Fairfield,	Ulmer,
Holtz,	Moore,	Wagner,
Hoskins,	Okey,	Watson,
Hursh,	Partington,	Weybrecht,
Johnson, Madison,	Peck,	Winn,
Johnson, Williams,	Pettit,	Wise,
Kehoe,	Pierce,	Woods,
Keller,	Read,	Mr. President.
Kilpatrick,	Redington,	
King,	Rockel,	

Those who voted in the negative are:

Antrim,	Cunningham,	Kerr,
Brattain,	DeFrees,	Miller, Ottawa,
Campbell,	Dunlap,	Norris,
Cody,	Evans,	Nye,
Collett,	Halfhill,	Riley,
Colton,	Harris, Ashtabula,	Stilwell,
Crosser,	Jones,	Worthington.

The roll call was verified.

So the amendment was agreed to.

The PRESIDENT: The question now is on the proposal as amended. The secretary will call the roll.

The question being "Shall Proposal No. 2 pass?"

The yeas and nays were taken, and resulted — yeas 97, nays 15, as follows:

Those who voted in the affirmative are:

Anderson,	Harter, Stark,	Peck,
Antrim,	Henderson,	Peters,
Baum,	Hoffman,	Pettit,
Beatty, Morrow,	Holtz,	Pierce,
Beatty, Wood,	Hoskins,	Read,
Beyer,	Hursh,	Redington,
Bowdle,	Johnson, Madison,	Rockel,
Brown, Highland,	Johnson, Williams,	Roehm,
Brown, Lucas,	Kehoe,	Rorick,
Brown, Pike,	Keller,	Shaffer,
Cassidy,	Kilpatrick,	Shaw,
Cordes,	King,	Smith, Geauga,
Crites,	Knight,	Smith, Hamilton,
Crosser,	Kramer,	Solether,
Davio,	Kunkel,	Stalter,
DeFrees,	Lambert,	Stamm,
Donahay,	Lampson,	Stevens,
Doty,	Leete,	Stewart,
Dunn,	Leslie,	Stilwell,
Dwyer,	Longstreth,	Stokes,
Earnhart,	Ludey,	Taggart,
Elson,	Malin,	Tannehill,
Fackler,	Marriott,	Tetlow,
Farnsworth,	Marshall,	Thomas,
Farrell,	Matthews,	Ulmer,
FitzSimons,	Mauck,	Wagner,
Fluke,	McClelland,	Watson,
Fox,	Miller, Crawford,	Weybrecht,
Hahn,	Miller, Fairfield,	Winn,
Halenkamp,	Moore,	Wise,
Harbarger,	Nye,	Woods,
Harris, Ashtabula,	Okey,	Mr. President.
Harter, Huron,	Partington,	

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Those who voted in the negative are:

Brattain,	Cunningham,	- Kerr,
Campbell,	Dunlap,	Miller, Ottawa,
Cody,	Evans,	Norris,
Collett,	Halfhill,	Riley,
Colton,	Jones,	Worthington.

The roll call was verified.

The proposal passed as follows:

Proposal No. 2—Mr. Crosser, to provide for the initiative and referendum and the legislative power.

Resolved by the Constitutional Convention of the state of Ohio, That

SECTION I. At the time when the vote of the electors shall be taken for the adoption or rejection of any revision, alteration or amendments made to the constitution by this Convention, the following amendment, independently of the submission of any revision, alteration or other amendments submitted to them, shall be separately submitted to the electors, namely, that article II, section 1, shall be amended so as to read as follows:

ARTICLE II.

SECTION I. The legislative power of the state shall be vested in a general assembly consisting of a senate and house of representatives but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same at the polls independent of the general assembly, and also reserve the power, at their own option, to adopt or reject any law, section of any law, or any item appropriating money in any law passed by the general assembly. The limitations expressed in the constitution on the power of the general assembly to enact laws, shall be deemed limitations on the power of the people to enact laws.

SECTION I-a. INITIATIVE. The first aforementioned power reserved by the people is designated the initiative, and the signatures of twelve per centum of the electors shall be required upon a petition to propose an amendment to the constitution.

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

SECTION I-b. When at any time, not less than

ten days prior to the commencement of any session of the general assembly, there shall have been filed with the secretary of state a petition signed by six per centum of the electors and verified as herein provided, proposing a law, or a petition signed by eight per centum of the electors and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. The proposed law or proposed amendment to the constitution shall be either approved or rejected without change or amendment by the general assembly, within four months from the time it is received by the general assembly. If any such law proposed by petition shall be approved by the general assembly it shall be subject to the referendum as herein provided. If any such amendment to the constitution proposed by petition shall be approved by the general assembly it shall be submitted to the electors. If any law or constitutional amendment so petitioned for be rejected, or if no action be taken thereon by the general assembly within such four months, the secretary of state shall submit the same to the electors for approval or rejection at the next regular or general election in any year. The general assembly may decline or refuse to pass any such proposed law or constitutional amendment and adopt a different and competing one on the same subject, and in such event both the proposed and competing law or both the proposed and competing constitutional amendment shall be submitted by the secretary of state to the electors for approval or rejection at the next regular or general election in any year.

All such initiative petitions last above described, shall have printed across the top thereof in the case of proposed laws, the following: "Laws proposed by initiative petition to be first submitted to the general assembly," or in case of proposed amendments to the constitution: "Amendment to the constitution proposed by initiative petition to be first submitted to the general assembly."

Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors.

Any proposed law or amendment to the constitution submitted to the electors as provided in section 1-a and section 1-b, if it is approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it is approved and shall be published by the secretary of state.

If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the elec-

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tors shall be subject to the veto power of the governor.

SECTION 1-c. REFERENDUM. The second aforesaid power reserved by the people is designated the referendum, and the signatures of six per centum of the electors shall be required upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item appropriating money in any law passed by the general assembly.

No law passed by the general assembly shall go into effect until ninety days after the same shall have been filed by the governor in the office of the secretary of state, except as herein provided.

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

SECTION 1-d. EMERGENCY MEASURES. Acts providing for tax levies, appropriations for the current expenses of the state government and state institutions and emergency measures necessary for the immediate preservation of the public peace, health or safety, if such emergency measures upon a ye and nay vote shall receive the vote of two-thirds of all the members elected to each branch of the general assembly, shall go into immediate effect, but the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a ye and nay vote, upon a separate roll call thereon. The acts mentioned in this section shall never be subject to the referendum.

SECTION 1-e. The powers defined herein as the "initiative" and the "referendum" shall never be used to enact a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property.

SECTION 1-f. LOCAL INITIATIVE AND REFER-

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

SECTION 1-g. GENERAL PROVISIONS. Any initiative or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. In the case of a signer residing outside of a municipality he shall state the township and county in which he resides and in case of a resident of a municipality in addition to the name of such municipality he shall state the street and number, if any, of his residence and the ward and precinct in which the same is located. The names of all signers to such petitions shall be written in ink, each signer for himself. Each part of such petition shall have attached thereto the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of the signers of such petition and shall state that each of the signatures attached to such part was made in the presence of the affiant, that to the best of his knowledge and belief each signature to such part is the genuine signature of the person whose name it purports to be, that he believes the persons who have signed it to be electors, that they so signed said petition with knowledge of the contents thereof, that each signer signed the same on the date stated opposite his name, and no other affidavit thereto shall be required.

The petition and signatures upon such petitions, so verified, shall be presumed to be in all respects sufficient, unless not later than forty days before election, it shall be otherwise proven and in such event ten additional days shall be allowed for the filing of additional signatures to such petition, and no law or amendment to the constitution submitted to the electors by initiative petition and receiving an affirmative majority of the votes cast thereon shall ever be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same shall have been procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency.

Upon all initiative and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county.

A true copy of all laws or proposed laws or

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proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section or item, submitted to the electors by referendum petition may be named in such petition and the persons who prepare the arguments or explanations, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section or item, submitted to the electors by referendum petition, or for any competing law or competing amendment to the constitution or against any law submitted by initiative petition, shall be named by the general assembly, if in session, and if not in session then by the governor.

The secretary of state shall have printed the law or proposed law or proposed amendment to the constitution together with the arguments and explanations, not exceeding a total of three hundred words for each of the same, and also the arguments and explanations not exceeding a total of three hundred words against each of the same, and shall mail or otherwise distribute a copy of such law or proposed law or proposed amendment to the constitution together with such arguments and explanations for and against the same to each of the electors of the state, as far as reasonably possible.

Unless otherwise provided by law, the secretary of state shall cause to be placed upon the official ballots the title of any such law or proposed law or proposed amendment to the constitution to be submitted. He shall also cause the ballots to be so printed as to permit an affirmative or negative vote upon each law, section of law or item appropriating money in a law or proposed law or proposed amendment to the constitution.

When competing laws or competing amendments to the constitution are submitted to the electors the ballots shall be so printed that the elector can express separately by making one crossmark (X) for each, two preferences, first, as between "either measure" and "neither measure," and secondly, as between one and the other. If the majority of the votes cast on the first issue is for "neither measure," both measures fail of adoption. If a majority of the votes cast on the first issue is in favor of "either measure," then the measure receiving a majority of the votes cast on the second issue shall be the law or the amendment to the constitution as the case may be.

The style of all laws submitted by initiative petition shall be: "Be it enacted by the people of the state of Ohio," and of all constitutional amendments: "Be it resolved by the people of the state of Ohio.

The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office

of governor at the last preceding election therefor.

The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Legislation may be enacted to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

SECTION 2. At such election a separate ballot in the following form shall be furnished each elector desiring to vote.

INITIATIVE AND REFERENDUM.

	For Initiative and Referendum.
	Against Initiative and Referendum.

SECTION 3. Separate ballot boxes shall be provided for the reception of such ballots.

SECTION 4. The elector shall indicate his choice by placing a cross-mark within the blank space opposite the words, "For initiative and referendum," if he desire to vote in favor of the amendment above mentioned, and within the blank space opposite the words, "Against initiative and referendum," if he desire to vote against the amendment above mentioned.

SECTION 5. If the votes for initiative and referendum shall exceed the votes against initiative and referendum, then the section above mentioned shall take the place of article II, section 1, of the constitution, regardless of whether any revision, alteration or other amendments submitted to the people shall be adopted or rejected.

Under the rules the proposal was referred to the committee on Arrangement and Phraseology.

Mr. WORTHINGTON: I rise to a question of personal privilege. The gentleman who last discussed this measure criticised some things that I was supposed to have said concerning the words "not less than" and "not more than." I have in my hands the stenographic report of my speech. I shall read from it:

The member from Mahoning [Mr. ANDERSON] has called attention to one of those errors, that this wipes out all of article II and leaves the substitute only for the first section. I am not going over the matter to which Mr. Anderson called your attention; I will confine my attention to others. I am not going into errors of substance. That is not my function. I am calling attention to some errors of form.

Now there was absolutely no allusion in my remarks to "not more than."

Mr. ANDERSON: Since it is all settled I am willing to take the whole blame.

Mr. KNIGHT: I move that two thousand copies of the proposal just adopted be printed and distributed.

The motion was carried.

Mr. DOTY: I move to adjourn.

The motion was carried.