THIRTY-SEVENTH DAY

(LEGISLATIVE DAY OF MARCH 11)

MORNING SESSION.

WEDNESDAY, March 13, 1912.

The Convention met pursuant to recess and was called to order by Mr. Doty as president pro tem.

The member from Allen was recognized and yielded to Mr. Davio who moved to recess until one o'clock, p. m. The motion was seconded and was carried.

AFTERNOON SESSION.

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

The delegate from Allen [Mr. HALFHILL] was recognized and yielded to Mr. Doty.

Mr. DOTY: I demand a call of the Convention.

The PRESIDENT: The doors will be closed and the secretary will call the roll of the membership.

The roll was called when the following members failed to answer to their names: Beatty, Wood; Bowdle, Brown, Lucas; Brown, Pike; Campbell, Crites, Crosser, Dunn, Earnhart, Eby, Evans, Fackler, Farnsworth, Johnson, Madison; Jones, Kehoe, King, Leete, Longstreth, Matthews, Miller, Fairfield; Price, Roehm, Solether, Stewart, Stokes, Tallman, Tetlow, Wagner, Woods.

Mr. DOTY: The roll call showing eighty-nine members present, a quorum, I move that further proceedings under the call be dispensed with.

The motion was carried.

Mr. HALFHILL: Gentlemen of the Convention: "A wise man will hear and will increase learning; and a man of understanding shall attain unto wise counsels." Prov. 1:5.

What was true in the days of Solomon does not obtain here, for the president of this Convention has told us that on all questions pertaining to the initiative and referendum he has a "closed mind." In the language of that greatest of prose poems, "No doubt but ye are the people and wisdom shall die with you; but I have understanding as well as you; I am not inferior to you; yea who knoweth not such things as these?"

The parliamentary handling of the question before the Convention is a disgrace to the history of representative assemblies in Ohio. The report of the standing committee is but the register of a caucus decree reached by give-and-take methods, a caucus composed of only a part of the members of the Convention, and its meetings held outside of this hall.

Yesterday the president told us that in making up the standing committee on the initiative and referendum he placed thereon some members he considered opposed to this departure on principle or at least of conservative views. Let him name if he can to this Convention a single member of that description that he invited into his caucus, which he says has carefully canvassed this proposal. Some attended there in whose judgment I have great confidence, but I pause for a reply to my inquiry. Silence negatives the good faith of that declaration.

To show the existence of this caucus, that it was originated by the president to bind the Convention in advance on this question, I read first the recollection of a member of what he was asked to sign, and, secondly, an extract from a letter from the member from Ashland, which was handed to me before the resolution was introduced by me denouncing this caucus:

> I hereby pledge myself to oppose any attempt to change or amend the Crosser initiative and referendum proposal as amended. I also agree to abide by the decision of a conference on the subject, provided a majority of the members of the Convention attend such caucus.

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

Mr. HALFHILL: Yes.

Mr. STILWELL: If that has been published, will you tell me where you are reading from?

Mr. HALFHILL: I said that this statement that I read is the recollection of a member, who reduced it to writing and handed it to me on the day I introduced the resolution, and it is one of the things on which I based the resolution by way of information.

Mr. STILWELL: That doesn't answer my question: I asked if it had been published to tell where I could find it.

Mr. HALFHILL: I don't understand.

Mr. STILWELL: Evidently you are reading from a publication?

Mr. HALFHILL: No; I am reading from a typewritten statement.

Mr. ANDERSON: In view of the fact that at the time that dispute or discussion in reference to caucuses came up my name was connected with it, I want to ask you to state that I was not the person who furnished you the information.

Mr. HALFHILL: You were not the person. Consequently, to throw some further light upon the way this caucus was originated and what its purpose was and what it was intended to accomplish by it, I want to read from a letter published in the Ashland Times, sent to the Ashland Times by the member from that county [Mr. FLUKE].

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

The PRESIDENT: The gentleman will state his point of order.

Mr. PECK: This discussion does not seem to me to be pertinent to the question under consideration. It is not important now how or why that caucus was called. The question we are discussing is the report of the committee and if the report was made by the caucus, it makes no difference. The question is as to the merits of the thing and not how it came into existence.

Mr. HALFHILL: With all due respect, I submit no member has a right to direct my method or theory of debate.

Mr. PECK: I think you will be required to control your debate so as to keep within the bounds of the question under consideration.

Mr. HALFHILL: We are all equal in this assembly and with all due respect to you—

Mr. PECK: I rise to a question of order and I submit it to the chair, whether the gentleman is in order or out of order.

Mr. HALFHILL: I submit that I shall conduct this debate in the manner that suits me.

Mr. PECK: You mean that you are lawless?

Mr. HALFHILL: I don't pretend to say that I am lawless, but I do pretend to say that I have my rights as a member of this assembly and I don't intend that the chair shall direct my method of debate.

Mr. PECK: The chair can interfere with anybody's method of debate if he wanders from the question.

Mr. HALFHILL: I simply inform any member of the Convention and the chair that I propose to debate this question in my own way.

Mr. PECK: That is all right.

Mr. HALFHILL: Yes; it is all right.

Mr. PECK: Do you claim that you are above the laws of the Convention?

Mr. HALFHILL: No; but this is an assembly of equals.

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

The PRESIDENT: The gentleman will state the point.

Mr. ANDERSON: It is the place of the chair to preserve order.

The PRESIDENT: The member from Mahoning [Mr. ANDERSON] is right and this discussion is out of order. The chair would like to rule on the point of order raised by the member from Hamilton county [Mr. PECK]. The question that is before the Convention is in the form of a resolution offered by the member from Allen [Mr. HALFHILL]. The discussion of this matter at this time, it seems to me, as president, in accordance with the point of order raised by the member, seems to me to be out of order. However, unless the Convention insists, the president will not so rule, lest he be under the suspicion of acting partially in this matter.

Mr. PECK: Then he is to be permitted to violate the rules, simply because he insists upon it?

Mr. HALFHILL: I insist upon my rights in the debate.

Mr. PECK: Your "right!" Your "wrongs" you mean.

Mr. HALFHILL: I do not intend to be deprived of my rights by the president or by any member here unless the house voluntarily takes me from this tribune.

The member from Ashland in writing about his dealings with this caucus discussed what he had been asked to do, what he had signed, which is the primary point which I read a few moments ago, and what the final result thereof was, and in speaking of the resolution which was introduced by the member who now has the pleasure of addressing the Convention, he characterized it as something of no moment, and said there was not anything in the resolution, but it served the purpose for which it was intended as an excuse to hang a full day's oratory upon, so you will see the member from Ashland was not very much in sympathy with the resolution or the mover of it:

> The reactionaries figured that this and the governor's speech (of which they had advance notice) would certainly finish us, but it didn't, as the resolution was tabled after the hot-tempered fellows had got tired of orating. This did not happen, however, until after Bigelow had gone on the floor and made what the newspaper men about the capitol call "another one of those sob speeches." What interested me more than anything else was that during this speech, he virtually absolved those who signed the agreement.

Now I was assailed on the floor of this Convention for introducing this resolution, and was charged on the floor of the Convention with having no information whereon to found it, and was denounced on the floor as an enemy to a majority of the Convention, because, forsooth, I wanted to raise my voice in behalf of orderly procedure, and I never had the opportunity until this moment to answer those charges that were made. And yet learned gentlemen will get up here and say that I have no right in debate to allude to a question as important as this.

Yesterday those of us who transacted the business before the Convention while the author of this proposal and the president were absent from its sittings and engaged in their work on this measure asked the privilege of having its consideration made a special order for next Tuesday — one week of time — so that we might study the measure and intelligently discuss it. This was opposed by the president in a speech from the floor, and the member presiding in the chair was the pliant tool to aid in throttling any investigation, for he entertained a motion 'to proceed with the order of the day," put the same and declared it carried when and while the motion was pending to make this a special order for March 19, and upon which motion no vote was taken. Inasmuch as the Convention had no "order of the day" and a motion was being considered to establish such an order in the near future, to consider this very question, we have just reason to censure such unparliamentary procedure, based on the rule of force in the time of the cave-man, that they shall take who have the power, and they shall keep who can.

The president urged that I could not in good conscience ask for any time because I should have been more industrious. I have not to this date been absent one moment from the sittings of this Convention since it assembled, or been in default of my duties in its committee rooms, so that it does not lie in the mouth of any man to make such a statement. And from the same source it was urged that I had written newspaper articles during the campaign dealing with this subject and hence I must be prepared to discuss this particular proposition of fundamental law referred to by the gentleman as "the most important matter before the Convention." Such a statement was no compliment to me, and such a statement by those who are bent on railroading through this body a measure of such vast import to our people and our

institutions does small credit to their sense of the responsibility that rests and abides with each individual member of this Convention.

But from the very exigencies of the situation, and not from choice, I am by lack of time for other preparation driven to the manuscript of a portion of two of my published campaign letters referred to by the president and I beg your indulgence to read extracts from these, after which I will discuss as best I can the important proposal now before us.

And in passing to this subject, and reading it word for word and letter for letter as it was printed before any election took place, you might at least be able by criticism and scrutiny to tell the true position of the member who now has the honor of addressing you, as that position was taken before any lines were drawn in this Convention.

Progress is the law of life that governs advancing civilization and without it there is retrograde motion and decay. Institutions, customs, laws and forms of society are subject to the same rule, and must ever change to meet the demands of progress. Let none be declared as non-progressive simply because he believes in evolution which develops rather than revolution that destroys. It is a fine frenzy to gird up the loins, challenge the past to mortal combat and denounce as enemies to the commonwealth all who disagree as to the best method of dealing with some particular ill of the body politic. Rant accomplishes little, and mere assertion without proof has no permanent convincing power when addressed to that greatest of all juries the American people. True, as a people, we subject ourselves and are subjected to storms of passion and prejudice, but there is always more calm than storm, and there is always the saving sense of fairness and justice dwelling in the bosom of the average citizen after passion has subsided and judgment asserts itself.

It is well to know the past and great are the lessons of history. What a glorious thing it would be if every college and university in this broad land were endowed with a chair of American patriotism and a half day in each week was exclusively devoted to lectures and studies of patriotism and civil government in every school house over which floats the American flag. Then at least those who now boast that they "believe in the Jeffersonian rather than the Hamiltonian philosophy of government" would realize and know that the "philosophy" mentioned was an outgrowth forged and shaped in the heat and glow of discussion incident to the formation and adoption of the federal constitution, and has little place in the making, altering, or amending of a state constitution.

The framers of the constitution were scholars and students familiar with the lessons of history and familiar with the failure of direct democracy to solve the problem of governing a numerous population. What might work passably in a small western state would break down in Ohio, with ten times the population, provided such machinery was used as much and as often as in the smaller state.

It is more than passing strange that one should quote the author of the Declaration of Independence as an authority in support of the unlimited initiative and referendum. In speaking of "the equal rights of men" Thomas Jefferson declared that "Modern times have the signal advantage, too, of having discovered the only device by which these rights can be secured, to-wit, government by the people, acting not in person, but by representatives chosen by themselves."

If so great a statesman as Jefferson has declared representative government is the only method by which rights can be secured, is it wise to discard this device discovered and utilized by the fathers of the constitution, by giving direct legislation first place and representative government second place in any amended, altered or changed constitution for the state of Ohio? It might be greatly desired to go back to first principles as established by the fathers before the year is reached in which another convention could or should assemble, and if such unlimited power is firmly fixed in the constitution, it is beyond the power of the referendum to recall it, yet I do not object to it being placed in the constitution and favor the same, provided always this power is properly safeguarded. And yet I am always the reactionary, so designated because I can not forsooth agree with every gentleman who has extreme ideas as to the loose way in which this constitutional provision should be framed.

The framers of our federal constitution were endeavoring to establish a government on the grandest scale in the history of the world, extending over a vast territory and fit for a great and growing population; and those men were familiar with the lessons of the past. They learned from the voices of history the inevitable limitations upon direct government, and, being statesmen as well as democrats, they guarded against the excesses and failures of a pure democracy by establishing a democratic republic, or representative form of government.

They saw clearly the boundary line that could easily be crossed in pretended devotion to the democratic idea, beyond which to pass is to encounter confusion, the rule of the demagogue, the deluge of anarchy, and, as of old, the coming of the man on horseback and autocracy, each following the other, as night follows the day.

In the Atlantic Monthly for September, 1911, appears an article on "Representative vs. Direct Government," by Hon. Samuel W. McCall, of Massachusetts, which contains valuable information, well expressed and from which I quote a few paragraphs:

> Is it for the interest of the individual members of our society to have the great mass of us pass upon the intricate details of legislation, to execute our laws and to administer justice between man and man? That I believe to be in substance the question raised by the initiative, the referendum and the recall, as they are now practically applied in at least one of the states of the Union, the example of which is held up as a model to the other states. With an infinitesimal responsibility, with only one vote in a million, how seriously would each one of us feel called upon to withdraw from his own private pursuits and to explore in all their details the complicated questions of government? It would be imposing an impossible task, scattered as we are and unable to take common counsel, to require us in the mass to direct the work of government.

First, with regard to the initiative. In our legislation the work of investigation and of perfecting details is of such great difficulty that proposed laws are distributed among various committees, which are charged with the duty of considering their exact terms. The legislative body as a whole, although its members are paid for doing the work, can not safely assume to pass upon the intricate questions of legislation without investigation by committees selected with reference to their fitness for the task. The proposed law as perfected by a committee is brought before the representative assembly and it is there again discussed and subjected to criticism, both as to policy and form, and in this open discussion defects often appear which require amendment and sometimes the defeat of the bill. And even with these safeguards laws often find their way upon the statute books which are not best adapted to secure the purposes even of their authors.

But what would be the procedure under the initiative? In Oregon a law may be initiated upon a petition of eight per cent of the voters, and it then goes to the people upon the question of its final enactment without the intervention of any legislature. Some man has a beautiful general idea for the advancement of mankind, but beautiful general ideas are exceedingly difficult to put into statutory form so that they may become the rule of conduct for a multitude of men. Another may have some selfish project, which, like most selfish projects, may be concealed under specious words. The beautiful idea of the selfish scheme is written by its author in the form of law, and he proceeds to get the requisite number of signers to a petition. With a due amount of energy and the payment of canvassers these signatures can be secured by the carload, and the proposed law then goes to the people for enactment, and the great mass of us, on the farm, on the hillside, and in the city, proceed to take the last step in making a law which nine out of ten of us have never read. And this is called securing popular rights and giving the people a larger share in their government.

The people, at the election in Oregon held in 1910, passed upon proposed laws which filled a volume of two hundred pages, and they passed upon them all in a single day, each voter recording his verdict at the polling booth upon both the candidates and the proposed laws. In the ordinary legislative body, made up of no different material from that of which the people are composed, an important question may be considered for a day, or even for a week, and then, with the arguments fresh in their minds, the legislators record their votes upon the single measure. What a delightful jumble we should have if forty different stautes were voted upon in the space of a half hour by the members of a humdrum legislature.

Of course, one must be cautious about expressing a doubt that the people in their collective capacity can accomplish impossibilities. You may say of an individual that he should have some special preparation before he attempts to set a broken arm or perform a delicate operation upon the eye. But if you say that of all of us in a lump, some popular tribune will denounce you. And yet there is ground for the heretical suspicion, admitting that each one of the people may have in him the making of a great legislator, that there should be one simple prerequisite which he should observe in order to be any sort of a legislator at all. He should first read or attempt to understand the provisions of a bill before solemnly enacting it into law. One can scarcely be accused of begging the question to say that the voters would not read a whole volume of laws before voting upon them. The slightest knowledge of human nature would warrant that assertion.

I have in my desk the first volume of the proposed laws thus referred to, containing twenty-eight proposed statutes and four proposed amendments to the constitution of Oregon, passed upon by the voters of the election of 1910, referred to in this previous sentence, and I shall be glad to lend it to any of you for examination. It is about as interesting—not quite so—as the year-book volume of the laws of the Ohio legislature, which not one lawyer in a hundred ever reads from the first cover to the last page and only consults when he finds out that some existing statute has been modified or repealed by the legislature. I quote further:

> How many even of the most intelligent of our people, of college professors, or ministers, read the statutes that have already been passed and that are to govern their conduct? (Even lawyers are not apt to read them generally, but in connection with particular cases.) But if some proof were necessary, one has only to cite some of the Oregon laws. For example, there are two methods of pursuing the salmon fisheries in the Columbia River; in the lower and sluggish waters of the stream fishing is done by the net and in the upper waters by the wheel. The net fisherman desired to prohibit fishing by the wheel, and they procured sufficient signatures and initiated a law having that object in view. On the other hand, the wheel fishermen at the same time wished to restrict fishing by the net, and they initiated a law for that purpose. Both laws went before the people at the same election and they generously passed them both, and thus, so far as the action of the people was concerned, the great salmon fisheries of the Columbia were practically stopped.

Mr. HARRIS, of Hamilton: Will the gentleman permit me to ask him this question? Does it occur to you that the people of Oregon showed a great deal of sound judgment in passing both of these laws, that both methods of catching salmon were destructive of their interests?

Mr. HALFHILL: That argument was made by Senator Bourne, I believe, in a speech delivered in the senate and sent out as a public document. I am not disposed to quarrel with your conclusion.

Mr. HARRIS, of Hamilton: Would you recognize any other higher authority than the United States sena-

tor from Oregon in any statement sent out over his public signature?

Mr. HALFHILL: No, I would not; and I have a letter from Senator Bourne that I am going to read to support a proposition I will later make, and therefore I accord him the highest authority.

I am in favor of the initiative and referendum with proper safeguards, and all I have said, written or quoted should be so understood. It is safe to say that nine out of ten who have given this subject any thorough consideration, or are in favor of it, are nevertheless not in favor of an "unlimited" initiative and referendum.

What then are the limitations or safeguards to be applied that good and not evil results will follow? First, it may be used in the political subdivisions of the state fully, freely and without limitation in all matters of purely local concern, for we are in touch with such matters or can secure information at first hand; provided always that counties shall not be permitted to classify property for the purposes of taxation, for by that door may enter the single tax as has already been accomplished in Oregon. This is a proper exception or principle, for the most important function of government is to protect persons and property. Such protection can be accorded only by exacting the payment of taxes, and the objects of taxation must be designated by the sovereign power, which is the state.

Secondly, in making general laws where all the people of the state are interested and should vote, no law should be proposed for direct vote on the ballot until it has been presented by petition to the legislature. There need be only one petition, which in any event would be first filed with the secretary of state; and instead of printing this on the ballot in the first instance require that it be certified by the secretary of state to the legislature to be voted upon, without change if you will, during the current session of the law-making body, and if rejected print it on the ballot at the next election. This mehod would prevent the principle of representative government from becoming submerged, preserves the dignity and integrity of a representative assembly and gives time for the examination and discussion of the merits of a proposed law. Discussion is one of the best methods of separating truth from error, and a single committee of the legislature by patient investigation might discover such an error or vice in a proposed law as to cause its rejection by the legislature and later at the polls, and thus do a great public service by preventing the passage of a vicious law. On the other hand a proposed law that had nothing within it inherently bad would be passed by the legislature, for a petition coming in this form would exert a powerful influence on any legislative body, knowing that the rejection of a good or reasonable bill proposed by an initiative petition would be corrected and remedied at the ensuing election. Another safeguard would be to permit a general law to be proposed only when it bears the signatures of a substantially greater number of voters than the eight per cent. fixed in some states that are experimenting. It takes in Oregon twenty-five per cent. of the voters of a judicial district to inaugurate a recall election for a judge; and the making of a general law or the amending of a constitution, affecting as it does persons and property of all the citizens of a state, ought to be considered of somewhere near the same importance as the recall of a judge, who only interprets and administers the laws as they are made by the people or their representatives. Certainly no reasonable man would object to learning and profiting by the experience of others; and in exercising this power of the initiative and referendum, which is plainly a sovereign power of the people if they choose to thus exercise it, let us devise practical methods that good may come, and avoid the apparent evils of the Oregon plan, which is already breaking down and has let loose in that unhappy state a whole brood of evils, not the least of which is the single tax.

Some good people seem to think that nothing but good laws will ever be proposed by initiative petition or voted into law at the ballot box.

Mr. CROSSER: Is your whole reason for wanting to retain the present governmental system because it will prevent the getting of single tax? That is all that I have been able to gather so far.

Mr. HALFHILL: I have not finished yet, and if you will be patient. I shall furnish some other reasons; but don't anticipate me until I get to the other reasons.

To my mind there are two classes of people who are earnestly advocating the "unlimited" initiative and referendum; one class honestly and patriotically believes that it will bring the blessing of better government and benefit the people, and the other class is actuated by motives that are selfish, personal and faddish, all of which are kept cloaked and disguised in the mask of patriotism.

It is most evident that the campaign for the unlimited initiative and referendum in Ohio is costing a great deal of money. The traveling expenses of "direct government" speakers, organizers and magazine writers is a great sum; and it is as clear as the midday sun that no one is spending this money for the sole pleasure of creating a novel machine to make and unmake laws. Obviously the money that foots the bills for this radical unlimited initiative and referendum campaign comes from men looking beyond the present to the use they can make of this machine after it is created; and it is an open secret that the special end desired and expected is to put into effect in Ohio the single, or exclusive land tax. Rich men, whose property is personal, are joining hands with socialism to throw all the burdens of government upon the soil and take from private owners all title to their income from the land.

They know that there is no chance of putting the whole burden of taxation on the land by the act of any legislature, for the farmers and home owners are too strong for that. But the unlimited initiative and referendum without safeguards along the line suggested in "Letter No. Seven," affords an opportunity to tire the state by voting immense ballots on many propositions of all kinds, so that not over sixty per cent of the voters going to the polls would vote on law and constitutional amendments at all. Then thirty-one per cent of the electors who take part in the choice of officials, or not more than twenty-five per cent of the citizens qualified to vote, would be enough to "slip over" the single tax, as they have already done in part of Oregon, and thus virtually confiscate all private property in land. To substantiate the foregoing I quote again and further from the official report of the single-tax conference held under the auspices of the Joseph Fels Fund Commis-

sion in New York city in November, 1910, page six, namely:

> The chances for putting the land value tax system into effect are unquestionably best in states where the people have the constitutional initiative, so it has always seemed clear to the commission that we could secure practical results soonest in those states, and hasten results in other states best by helping them also to secure the initiative and referendum.

Mr. CROSSER: Will the gentleman yield for a question?

Mr. HALFHILL: Certainly.

Mr. CROSSER: How do you explain that out in Seattle they voted against single tax two to one the other day?

Mr. HALFHILL: They have not got enough socialists out there yet. They will have them though in time.

Mr. MOORE: I desire to make the statement that the socialists are not single taxers, and the greatest article I ever read against the single tax has been brought forward by a socialist.

Mr. HALFHILL: Is that a question?

Mr. MOORE: It is a question of privilege.

Mr. BROWN, of Highland: I want to ask the gentleman if only one side can use that machine at once? Your statement was that if parties with ulterior purposes wished to use the machine to put through some fad, etc. I want to ask you now if other people could not ride in that same machine at the same time under similar conditions, and if the majority rules under that machine would conditions be any different than from now?

Mr. HALFHILL: Is that a question?

Mr. BROWN, of Highland: I wanted to know.

Mr. CASSIDY: Do you know of a single socialist writer who advocates the single tax?

Mr. HALFHILL: There are so many varieties of socialists, anarchists and singletaxers that I can not undertake to classify them for the edification of the gentleman from Logan [Mr. CASSIDY].

Mr. DOTY: Which class are you in?

Mr. HALFHILL: I am not sure until I find out what the Convention does. At present I am in the steam-roller class.

Mr. CROSSER: You expect us to vote and think the way you think. Is not that it?

Mr. HALFHILL: Oh, no. You are not apt to have gained that much enlightenment on some points.

Mr. HARRIS, of Hamilton: It may be that the question I desire to propound will have to be answered not by you but by Mr. Thomas. I ask for information.

Mr. HALFHILL: I don't want to get into any triangles here.

Mr. HARRIS, of Hamilton: In your judgment is not the position of the socialistic party to the single tax due to the fact that the proponents of single tax intend and desire to confiscate merely the land while the proponents of socialism intend to confiscate all property?

Mr. HALFHILL: I believe I can answer that question. Between the two of them they intend to take it all.

Mr. THOMAS: Is not the object of the socialist in confiscating property for the purpose of giving back to all the people the enjoyment of it all instead of permitting a few to get the great bulk of it as at present they do?

Mr. HALFHILL: Yes; I understand they are in favor of distributing it every other Saturday night. Continuing where I was interrupted, I read a further quotation from this report at page six:

> In Oregon the campaign of 1910 was to secure the adoption of an amendment to the constitution providing for county home rule in taxation. This campaign was merely one of preparation for a fight for straight single tax in 1912.

And does any gentleman here deny the fact that there is a proposed fight for the single tax in the state of Oregon in this year of grace 1912?

Mr. PIERCE: I would like to inquire of the gentleman from Allen, [Mr. HALFHILL] if the people want the single tax ought they not to have it?

Mr. HALFHILL: I am not disposed to say "yes" to any such question. I am not disposed to put the farm owners and the home owners of Ohio, where farms and homes are considered the first importance to good citizenship, at the mercy of the majority of the voters owning neither homes nor farms, provided it can be avoided. I am only contending against this method of making it too easy to secure a constitutional amendment which will open the door and put the farmers and the home owners under tribute to the single tax.

Mr. DOTY: I understood you to say that in the campaign in Oregon two years ago the campaign was for the sole purpose of instituting the single tax this year. Is that what I understood you to say?

Mr. HALFHILL: I will read it to you again. I was reading from the report of the single-tax conference held under the auspices of the Joseph Fels Fund Commission in New York city, November, 1910, at page six. I think the part you refer to is in this paragraph:

> In Oregon the campaign of 1910 was to secure the adoption of an amendment to the constitution providing for county home rule in taxation. This campaign was merely one of preparation for a fight for straight single tax in 1912.

Mr. DOTY: I understand now that what you are reading there is reports of people who were conducting a particular campaign at the time other people were conducting a campaign for other purposes under the initiative and referendum. Is that right?

Mr. HALFHILL: I won't undertake to say that that is right, but I will undertake to say that I read from the reports of the Joseph Fels Fund Commission, which, I think, is the authoritative organization having in charge the propaganda of the single tax in this country.

Mr. DOTY: The point I desire to be made clear on is that when you say "campaign" it was not a campaign in Oregon by the people of Oregon, but by some particular set of people who were trying to bring about a particular result, and not a question of whether the people of Oregon were attempting to do that particular thing or not?

Mr. HALFHILL: Oh, I think the singletaxers were undertaking to do the people of Oregon.

Mr. DOTY: The people of Oregon seemed to be pretty well pleased with it; but, however, don't you know that in that same campaign there were submitted to the people of Oregon on the same day three amendments to their constitution on the question of taxation? Do you know that is so?

Mr. HALFHILL: Yes.

Mr. DOTY: Do you know that the people of Oregon after forty or fifty days' consideration, during which time a copy of each of the amendments with the argument for and against had been submitted to every voter, selected the particular amendments that those particular people were agitating? Is not that true?

Mr. HALFHILL: Yes.

Mr. DOTY: And did not the people, every man of them, know exactly what they were doing when they did this?

Mr. HALFHILL: Yes; and in that campaign you speak of, neither of those two amendments that were defeated, to which you refer, on a reading thereof would bear knowledge to the reader that they were single-tax amendments.

Mr. DOTY: The two that were defeated.

Mr. HALFHILL: And the other that was adopted at the time you mentioned was one the first part of which repealed a poll tax and thereby held out to the voter that by escaping the poll tax it would be advisable for him to establish home rule in taxation.

Mr. DOTY: Then the two that were defeated were proposed as single-tax amendments to the constitution?

Mr. HALFHILL: I don't know that you are referring to the same time.

Mr. DOTY: You referred to two that were defeated. There were three submitted and one adopted, and did I understand you to say that the two that were defeated were on their face single-tax amendments?

Mr. HALFHILL: I have not the amendments before me.

Mr. DOTY: You have seen them?

Mr. HALFHILL: I have seen them. I examined them in the state of Oregon last summer. That is about as much information as I have on them.

Mr. DOTY: You might be mistaken about those two being for single tax?

Mr. HALFHILL: I have made mistakes in my life, even as the gentleman from Cuyahoga [Mr. DOTY].

Mr. DOTY: I have made one myself.

Mr. HALFHILL: You have made a good many more than one, but you only admit to one.

Mr. DOTY: That is all you should admit at one time. You also admit the mistake you made?

Mr. HALFHILL: Is that a question or a statement of fact?

Mr. DOTY: It is a question and a statement of fact too. I simply want to clear up the statement you made about those two amendments being single-tax amendments. I gather from your remarks that you have not seen them since last summer.

Mr. HALFHILL: I am peculiarly liable to mistakes on things I have not seen since last summer.

Mr. DOTY: I noticed that. Now I will tell you that they were not single-tax amendments.

Mr. HALFHILL: I am obliged to you for the small amount of information. It took you a very long time to deliver it.

Mr. THOMAS: In view of the statement made by the member from Allen that under the present constitution Ohio has enjoyed a great degree of prosperity, will you explain why a majority of voters are propertyless?

Mr. HALFHILL: By an immutable law of nature people increase faster than area. Now in order to begin straight again where the member from Cuyahoga flagged the speaker I read:

> In Oregon the campaign of 1910 was to secure the adoption of an amendment to the constitution providing for county home rule in taxation. This campaign was merely one of preparation for a fight for straight single tax in 1912.

That fight has not come off yet.

Mr. DOTY: No; but it is on.

Mr HALFHILL:

> The legislature of Oregon submitted two tax amendments providing for changes that seemed progressive.
>
> Those are the two amendments you were talking about.

Mr. DOTY: Notice the word "seemed."

Mr. HALFHILL:

> But that did not really go to the root of the tax question, and it was not possible to get the legislature to submit a measure for county home rule; consequently, it was necessary for our friends to make use of the political power given them by the initiative and referendum, and in that way submit the desired amendment to the voters. That was done.

Mr. DOTY: And carried, too.

Mr. HALFHILL: Yes. The referendum simply means in its state-wide and unlimited significance that no law or part of a law passed by the general assembly, except emergency measures, shall become operative in less than ninety days after the adjournment of the legislature at which the act was passed, if before the expiration of ninety days after adjournment of the legislature five per cent. of the electors request a popular vote upon any act, or part of act, in which event it shall be held inoperative until the next regular election. Of course that refers to the Oregon plan, which was under discussion.

By such a referendum the state university of Oregon was badly crippled, for the appropriation made by the legislature was held up, the professors could get no pay and had to seek employment elsewhere, and the student body scattered and entered other schools. Rev. Harry M. Cain, whom I personally know to be a man of integrity and worth, president of the Epworth League for Eugene district, Oregon, where the state university is located, wrote me on this point under date of October 10, 1911, saying among other things:

> I am sending you the book containing the proposed measures which were voted upon at our

last election. A glance will tell you that the people could not master a proposition of this kind; they (the great majority of them, at least) have not the time nor the disposition to go through this mess of stuff; if they did they would need a lawyer's training to enable them to understand it. I am also sending you a clipping from the Oregon Statesman of the capital city, Salem, from which you will see that the people are coming to recognize that our "Oregon system" needs some fixing. Three years ago a few people called the referendum on the appropriations to the state university and held it up for two years, keeping teachers unpaid and expenses piled up in a bad shape.

The law in its present condition offers many opportunities for fraud, as is being proven in the present cases.

A little later, in substantiation of that statement about the University of Oregon, at a place which seems more appropriate, I will again refer to it and quote Senator Bourne.

We are so engrossed in private affairs and business that many of us give no heed or attention to public questions, or at least give them such slight study that a little knowledge becomes a dangerous thing.

Mr. CROSSER: Don't you know as a member of the committee that the pending proposal specifically provides that all laws providing for appropriations shall go into immediate effect?

Mr. HALFHILL: They go into immediate effect?

Mr. CROSSER: Yes.

Mr. HALFHILL: I was referring to the letter I had received from the state of Oregon.

Mr. CROSSER: But you are arguing this proposal.

Mr. HALFHILL: I am arguing to this proposal as best I can on short notice, with little preparation and lack of arrangement — a desultory argument — but I am doing the best I can, and I think I ought to have over me the sign that the piano player had out west in a certain music hall, "Please don't shoot the performer; he is doing the best he can."

On this line of thought I quote further from the magazine article by Honorable Samuel W. McCall, referred to in my last preceding letter, namely:

> A reform that is most needed is one that will make difficult the passage of laws, unless they repeal existing statutes. The mania of the time is too much legislation and the tendency to regulate everybody and everything by artificial enactments. The referendum would not be likely to furnish the cure for this evil, but would tend to increase the number of questionable statutes that would be referred to the people; and some of them would doubtless be enacted. If those who are chosen and paid to do the work, and upon whom the responsibility is placed, are sometimes found to enact vicious laws, what whould be the result if legislation were enacted by all of us when we had made no special investigation of details. when we should be quite too prone to accept the declamatory recommendations of the advocates of legislative schemes, and submissively swallow the quack nostrums that might be offered for the diseases afflicting the body politic?

Mr. ULMER: Would not the referendum compel the legislature to go slow in lawmaking instead of passing two dozen laws in one day? I think it would prevent them from making too many laws and would compel them to make good laws.

Mr. HALFHILL: I do not know whether I could answer that question or not. Some people think that the referendum tends to make the legislature timid and tends to make it avoid responsibility by sending forth laws the merits of which may be tested by people on referendum if they don't like them. Quoting further:

> The most dangerous statutes are those which deal with admitted evils, and, in order to repress them, are so broadly drawn as to include great numbers of cases which should not fairly come within their scope, or to create a border land of doubt where the great mass of us may not clearly know how to regulate our conduct in order that we may comply with their prohibitions. Just such statutes, with a basis of justice but with imperfectly constructed details, would be most likely to prevail upon a popular vote. If the forty-six states of the Union, and the national government, which is the aggregate of them all, should have this system of direct legislation, our statute books would very probably soon become a medley of ill-considered reforms, of aspirations sought to be expressed in the cold prose of statutes, of emotional enactments perpetuating some passing popular whim and making it a rule of conduct for the future; and the strict enforcement of our laws would mean the destruction of our civilization.

And further upon the question of the danger of very loosely drawn statutes, the border lines of which are not well defined, it is sometimes difficult, almost beyond the comprehension of the greatest judge, to correctly interpret the meaning of a statute, or rather the meaning the legislature has expressed by a statute. In the life of Judge Story, he relates that he was employed to draw a particular statute of general application in the state of New York, presumably to be plain enough that nobody could fail to understand that it pointed to a particular line of duty, and in after years, when he became a member in the greatest court on earth, that statute came before the court for consideration, and another line of duties was pointed out in argument so diverse from the one that was probably intended that that great jurist was unable at that time, after listening to the argument, to determine which line of duties he intended that statute to define and convey.

> And then, in order to perfect this scheme of popular government and to safeguard the rights of a helpless people, in addition to all this, they offer us the recall. Not merely are the laws to be directly enacted by the people, but the execution of the laws is to be conducted in the same way. There would be temporary agents for the purpose of governing, but the people would have

ropes about their necks, and at any moment they would be subject to political extinction.

This power involves the supposition that the people are omniscient and ever watchful.

The constitution of Arizona seems to be in line with the most advanced thought upon this subject. That constitution provides that twenty-five per cent of the voters may institute a proceeding for the recall.

You know that by virtue of the power invested in the president he refused to sign his approval to the act admitting Arizona as a state, and requested and congress required the resubmission of that particular feature of the Arizona constitution to the electorate of that state, and it was then rejected.

That is important to consider now, because it marks the line of division on the question of popular moment at this time, and as it is embodied in this question before us.

In the foregoing way I dealt with the questions of the initiative, referendum and recall during the campaign, and see no reason to alter views there expressed; and for many statements of fact therein contained there is added confirmation. For instance, my published statement about the damage to the University of Oregon by reason of the appropriation therefor being held up by a referendum vote, was forwarded to Senator Bourne of Oregon, by a friend of mine, Rev. Z. B. Campbell, and I read here the senator's letter on that point, for it is an admission of the fact charged:

Washington, D. C., January 11, 1912.

Mr. Z. B. Campbell, Winona Lake, Indiana.

Dear Mr. Campbell:—I am in receipt of your letter of January 9, saying that an enemy of popular government, in arguing against the initiative, referendum and recall, asserted that the referendum has ruined the state university in Oregon. In reply will say that quite likely this gentleman based his statement on the fact that on two occasions the state appropriations made by the legislature for the aid of the university were held up by the filing of a referendum petition. The appropriations which were held up were deemed by many people to be excessive and the required five per cent of the voters signed petitions asking that the appropriations be submitted to a popular vote. Undoubtedly this was very embarrassing to the university and somewhat retarded its growth. However, it did not ruin the university, for that institution has been making a steady growth. No doubt it would have grown much more rapidly if it had secured promptly the appropriations made by the legislature.

I shall not undertake within the brief limits of a letter to discuss the merits of the appropriations in question.

Mr. FACKLER: I would like to ask the gentleman of the first paragraph in section 1-c of the proposed initiative and referendum measure will not render impossible such a condition as that to which he refers?

Mr. HALFHILL: I hope that is entirely true.

Mr. FACKLER: Have you any doubt of it?

Mr. HALFHILL: I am contending for all the safeguards I can get in this.

Mr. FACKLER: But have you any doubt of that?

Mr. HALFHILL: I have not taken a sufficient invoice on the question of reasonable doubt. I have hardly had time to look at the proposal.

The fact is that the student body was scattered, some of the professors moved away and only the loyalty of a few of them who stayed and starved without pay awaiting the result of the vote kept the owls and the bats from being the only dwellers in the halls of the University of Oregon. The following from the Daily Oregon Statesman of October 8, 1911, will give you some idea of the fraud that may be perpetrated under the proposed system, unless the greatest care is taken to safeguard it.

And independently of the fact that this proposal carries, as was stated by the gentleman from Cuyahoga [Mr. FACKLER] a safeguard sufficient to protect any legislation against the referendum vote similar to that which destroyed the University of Oregon, yet there are other features in the proposal to which the referendum may be applied, and on which the question of fraud may enter the same as it did enter when the referendum was applied in the state of Oregon to the appropriation sustaining the university. I doubt very much whether there is in this proposal anything which will safeguard the public against the fraudulent attempt of fraudulent petitioners fraudulently secured. If so, I fail to see it. Now I read from the Oregon newspaper:

CITIZENS SWEAR THEIR NAMES WERE FORGED.—INSTANCES SHOWING METHODS ADOPTED IN CIRCULATION OF REFERENDUM CASE.

Portland, Oct. 8.—The hearing in the case involving the university referendum petitions, which opened here Wednesday, was discontinued today, to be reopened in Salem, October 24. Meanwhile the attorneys for the state will compare the petitions with the registration list in Multnomah county, and will otherwise prepare to meet the case that has been developed by the university counsel.

The testimony today was simply of the same evidence that has been piled up during the past few days, including that of many citizens who swore that their names had been forged, or they had signed under the representation that the petition would help the university get its money, or that it was a measure for a municipal paving plant. How easily this latter class were duped, and how many may not have known what they were signing, is indicated by the fact that fully five thousand signatures are on blank pages, which have no petition or other printed matter on them.

Father Died Before Name Written.

Among the witnesses this morning, Hon. Ben Selling, whose name had been written in one of the petitions, testified that his father, whose signature also appeared on a petition, died before the petitions were circulated.

The lawyers for the university state that on account of the limited funds at their command there are thousands of names that appear bad that can-

not be investigated. Practically all the investigation has been of the work of the Portland circulators, who operated here and at Astoria and The Dalles. In Astoria one circulator hung his petition on the wall of a saloon, bought drinks for the crowd and asked "the boys" to sign, which they did while he went out on the street. When he came back the sheets being filled up, he hung up another petition which was later filled in.

Names Forged of Men Dead.

At The Dalles an old city directory was used, and names forged to the petitions of men dead for many years. A prominent citizen and an old resident, on reading over the list of one hundred names, could not make out any legal voters.

Instances have been shown where circulators asked who lived at the houses, and upon information signed the names, thus saving the voters the trouble. In one case the mother-in-law of a young man, after talking the matter over with the circulator, decided that the university didn't need the money, and authorized him to write in her son-in-law's name, which he obligingly did.

About six thousand of the names have been procured by men who have run away or who cannot be found. One of these, Harry Goldman, whose petitions show scores of names written by the same hand, but with different pencils, is responsible for thirteen hundred and ninety-eight names, or more than ten per cent of the total number required to hold up the measure.

The extent of fraud is no longer denied by the attorneys of the defense, excepting Mr. Parkison, who had the contract for the managing of the petitions during their circulation and who filed them.

The public will await with interest the comparison which the defense is making of the petitions with the registered voters. However, the question of fraud, now generally granted, is giving place to a discussion of how to prevent it in the future. Many of the strongest friends of the referendum here state that it must be corrected at the next election.

Mr. FACKLER: I would like to ask if lines 109 to 113, requiring an affidavit with reference to those signatures, do not obviate that question of fraud?

Mr. HALFHILL: I think it fails absolutely to obviate it. There is nothing at all there that will obviate it.

Mr. FACKLER: Do not lines 105 and 106 obviate the difficulty to which that article refers with reference to those blank sheets of paper with nothing on them except the names being filed and petitioned? Does not this proposal provide that on each separate sheet there shall be a full copy of the law?

Mr. HALFHILL: That would no doubt meet the objection in this article about blank sheets, but the proposal wholly fails to safeguard the proper securing of a purified and accurate list of petitioners.

Mr. OKEY: I will ask you whether or not there is anything in this proposal that would prevent the legislature from enacting laws that will meet the objections you have been referring to relative to the signatures?

Mr. HALFHILL: I know this: That very frequently when departures are made in fundamental laws, and some new line of conduct is to be established as such, there are provisions put in the fundamental law that the legislature shall by proper legislation carry this provision into effect, and as I remember the reading of this proposal there is no such provision here.

Mr. OKEY: Lines 156 and 157.

Mr. HALFHILL: Is it there?

Mr. OKEY: Yes.

Mr. HALFHILL: I am very glad to hear it.

Mr. LAMPSON: I ask you if the last paragraph of this proposal does not say it shall be self-executing, showing that it is not intended to rely upon the legislature.

Mr. HALFHILL: I think those are the words of the proposal as I remember.

Mr. ANTRIM: It is a fact, is it not, that the Crosser proposal requires that petitions be circulated in one-half of the counties in the state?

Mr. HALFHILL: I understand it does unless they have changed it. I am informed they have been working with it, and intend to make added changes.

Mr. ANTRIM: Is it not a fact that it only requires four per cent. in those counties?

Mr. HALFHILL: I understand it is four per cent.

Mr. ANTRIM: Are you aware that the forty-four small counties have a vote of only eight thousand?

Mr. HALFHILL: I will admit anything you state as a fact.

Mr. ANTRIM: Multiplying eight thousand by two per cent., one-half of the four per cent., and we have one hundred and sixty, have we not?

Mr. HALFHILL: I admit that as a fact.

Mr. ANTRIM: If we multiply the one hundred and sixty by forty-two counties of the state we have 6,720. Now the point I want to make is this: It is necessary only to get 6,720 signatures to the petition in eighty-six counties and the others can be gotten in Hamilton and Cuyahoga counties. That is for the referendum and for a new law it would be twice that or 13,440, and for amending the constitution, 20,160. Those are the total numbers of signers to the petition in all counties of the state of Ohio outside of Cuyahoga and Hamilton that are required. Do you think that is a fair proposition?

Mr. DOTY: Of course he doesn't.

Mr. HALFHILL: I am very sure that in my judgment it is not, and as yet there has been no amendment offered to that, but an amendment will be offered, so that necessarily I am speaking—

Mr. CROSSER: Can I ask you a question?

Mr. HALFHILL: Can I get through with a sentence, please? Necessarily I am speaking in a general way about the proposal as reported here, which we have had scarcely time to investigate, much less time to prepare all the amendments that ought to be offered to cure its numerous defects. I have only one of my amendments ready, but I hope by strict attention and burning the midnight oil I can get up another by tomorrow.

Mr. CROSSER: The whole thing is defective as I gather from your remarks. You think the whole thing is a mistake?

Mr. HALFHILL: Owing to the parliamentary requirements of the occasion I can not characterize the proposal just the way I feel about it.

Mr. CROSSER: You want to strike it all out after the resolving clause I suppose?

Mr. DOTY: Do I gather that you think this is a mistake or that the Oregon plan is a mistake? Most of your remarks were against the Oregon plan.

Mr. HALFHILL: I believe Mr. Crosser was talking about this one.

Mr. DOTY: This particular one is a mistake?

Mr. HALFHILL: Yes.

Mr. DOTY: Is the Oregon one a mistake or not?

Mr. HALFHILL: I am only holding up the Oregon scheme as a horrible example.

Mr. DOTY: And don't you give the "horrible example" of Oregon largely from the Portland Oregonian?

Mr. HALFHILL: I have not.

Mr. DOTY: Haven't you quoted it?

Mr. HALFHILL: No; I quoted from the Oregon Statesman.

Mr. DOTY: You have not the "Oregonian?"

Mr. HALFHILL: No.

Mr. KILPATRICK: The Ohio Journal of Commerce?

Mr. DOTY: The same thing.

Mr. HALFHILL: Is that a question?

Mr. DOTY: No; it is a statement of fact.

Mr. HALFHILL: Well, who threw the brick? Now, I might say right at this point that during all my campaign they charged me with being a candidate of the Ohio State Board of Commerce.

Mr. DOTY: Well, were you?

Mr. HALFHILL: I never knew there was such an organization until I read about it during the campaign. I am not a member of the board nor a subscriber to its publication.

Mr. DOTY: I congratulate you.

Mr. HALFHILL: However, I find it has some very useful information if you will read it and separate the chaff and take the kernel.

The only way to prevent abuse of the power of the referendum in such an instance as the above is to make the percentage higher than is required by this proposal and to provide against fraud in securing signatures to such a petition. No legislature should shirk responsibility by passing questionable measures, and on the other hand its power, dignity and authority should not be made the football of designing interests or a handfull of malcontents. More than half a century ago the New York court of appeals, in the case of Bartro vs. Himrod, laid down the true doctrine:

> The representatives of the people are the lawmakers and they are responsible to their constituents for their conduct in that capacity. By following the directors of the constitution each member has an opportunity of proposing amendments. The general policy of the law, as well as the fitness of its details, is open to discussion. The popular feeling is expressed through their representatives and the latter are influenced and enlightened more or less by the discussions of the public press. A complicated system can only be perfected by a body composed of a limited number with power to make amendments, and to enjoy the benefits of free discussion and consultation. This can never be accomplished with reference to such a system when submitted to a vote of the people. They must take the system proposed or nothing. They can adopt no amendments, however obvious may be their necessity. * * * All the safeguards which the constitution has provided are broken down, and the members of the legislature are allowed to evade the responsibility which belongs to their office. * * * If this mode of legislation is permitted and becomes general it will soon bring to a close the whole system of representative government, which has been so justly our pride. The legislature will become an irresponsible cabal, too timid to assume the responsibility of law givers, and with just wisdom enough to devise subtle schemes of imposture to mislead the people. All the checks against improvident legislation will be swept away, and the character of the constitution will be radically changed.

It is the loose establishment of this system, so that it comes into "general" use, which this learned court says will destroy representative government. Do you realize with what freedom this Proposal No. 2 disposes of the sound doctrine of the court in the case just quoted? Do you realize that if this becomes fundamental law in our state it opens the door for the single tax and for every other socialistic dogma and hysterical fad that can be originated by the political doctor and which under a stable system of government subsides before doing lasting injury to the state? And if we say this much, or if we contend for popular government only as an aid to the representative system which we do not desire to see submerged or rendered impotent, we are frequently met with the sneer of some self-seeking patriot who ejaculates, "Are you afraid to trust the people?" This is quite on a par with the orator of the greenback and fiat-money craze, who brayed from the platform like Balaam's ass, "If there's a man in the house who hasn't got all the money he wants let him stand up." And the remedy was simple, just put the government presses to work and print all the money necessary. The law of compensation works here as every where. We can not have stability of laws and a mercurial framework of government. You have seen exhibited here the amazing California ballot which last year in California revolutionized her organic law—several feet in length, closely printed on both sides with amendments to the constitution, and never intended to be read. Woman's suffrage received the highest vote, 246,000, and was carried by an affirmative vote of 125,000, or 2,000 less than Mr. Bryan received in 1908 and he lost the state by nearly 90,000 majority. This California election, on such a ballot, wrote the recall into the organic law of that state, the recall as applied to the judiciary as well as other public officers. It seems impossible to discuss this question of direct government without including the recall. Colonel Roosevelt and Colonel Bryan, in their recent addresses to this Convention, covered the whole ground, and the recall is the handmaiden of the proposal now before us. A spe-

cific proposal of that kind has been introduced, and if it fails before the Convention it will come later, with all the other brood, through the open door of the initiative and referendum. On this point permit me to read from a recent address of Dr. Butler, the learned president of Columbia University:

> The principle of the recall when applied to the judiciary, however, is much more than a piece of stupid folly. It is an outrage of the first magnitude. It is said: "Are not the judges the servants of the people? Do not the people choose them directly or indirectly, and should not the people be able to terminate their services at will?" To questions I answer flatly. No! The judges stand in a wholly different relation to the people from executive and legislative officials. The judges are primarily the servants not of the people, but of the law. It is their duty to interpret the law as it is, and to hold the law-making bodies to their constitutional limitations, not to express their own personal opinions on matters of public policy. It is true that the people make the law, but they do not make it all at once. Our system of common law has come down to us from ancient days, slowly broadening from precedent to precedent. It is not a dead or a fixed thing. It is capable of movement, of life, and of adaption to changing conditions. But it must be changed and adapted by reasonable and legal means and methods and not by shouting or by tumult. It was no less a person than Daniel Webster who said "that our American mode of government does not draw any power from tumultuous assemblages." This is true whether the tumultuous assemblage shouts and cries aloud on a sand lot, or whether the tumultuous assemblage goes through the form of voting at the polls.
>
> Moreover, we know something about what happens when judges are dependent upon the power that creates them. The history of England tells a plain story of tyranny and injustice which grow out of a judiciary that is made representative not of the law but of the crown. In the same way, if the recall of the judiciary should be established in this country, it would not be long before our history would tell the story of the tyranny and injustice that usually follow upon a judiciary made immediately dependent upon a voting population. If great causes, civil and criminal, are to be decided in accordance with established principles of law and equity and upon carefully tested evidence, they must be decided under the guidance of a fearless and independent judiciary. To make the actions or the words of a judge the subject-matter of popular revision at the polls, with a view to displacing a judicial officer because some act or word is not at the moment popular, is the most monstrous perversion of republican institutions and of the principles of true democracy that has yet been proposed anywhere or by anybody.

There need be no doubt or mistake about this, for the advocates of the recall of the judiciary mince no words. I find in the Appeal to Reason, edited by Eugene V. Debs, who is hardly the safest and the sanest adviser that the American people have had, these words in relation to the California election:

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

The PRESIDENT: The gentleman will state his point.

Mr. CASSIDY: We are not discussing any recall.

Mr. HALFHILL: Are you raising a point of order?

The PRESIDENT: It is true there is no recall proposal pending. At the same time the Convention may deal with this as it did the other. To rule the discussion out of order the president might be considered as partial.

Mr. HALFHILL: I only regret that I am compelled to discuss all these questions in a desultory kind of way. I asked for the privilege of condensing my argument and bringing it within an hour when I could better talk to the question. Every one knows that without preparation on a question one may talk three or four hours when he could say the same thing in one hour if he were given time to prepare it. Quoting from Mr. Debs:

> "The fight at the polls this fall will center around the adoption of the initiative, referendum and recall amendments to the constitution. Under the provisions of the recall amendment the judges of the supreme court of California can be retired. These are men who will decide the fate of the kidnapped workers. Don't you see what it means, comrades, to have in the hands of an intelligent, militant working class the political power to recall the present capitalist judges and put on the bench our own men? Was there ever such an opportunity for effective work? No. Not since socialism first raised its crimson banner on the shores of Morgan's country. The election for governor and state officers of California does not occur until 1914. But with the recall at our command we can put our own men in office without waiting for a regular election.

It will be observed that the courts of California had before them a case about which Mr. Debs had seemingly made up his mind. He had not heard the evidence, because the case has not yet come to trial, but it is perfectly obvious that he and his friends were ready to return a verdict. Moreover, they were ready to recall—that is, to displace—before the expiry of his term any judge who differed with them. Can anyone outside of Bedlam support a public policy such as this?

Mr. THOMAS: Is it not a fact that Governor Johnson stated on the floor of this house that the Southern Pacific had been exercising that privilege for a number of years in California?

Mr. HALFHILL: I heard Governor Johnson speak. I agree with a great many things he said. And from personal knowledge and observation, if there ever was a place on earth where the recall was justifiable it was in the state of California, but I am discussing a principle and I submit that unless the recall is included, it is impossible to discuss this new departure in popular government, even on a proposal such as is before us, as to placing limitations upon the power of the initiative

and referendum as set forth in that proposal, because the hand-maiden of it is the recall, and the whole thing is the question of direct or popular government against representative goverment.

My position has always been that if it is good to the extent of aiding representative government I endorse it that far, but where it is bad to the extent of destroying representative government, as it will if it comes in general use, as stated by the New York court, then I stop this side of it.

Mr. BROWN, of Highland: In that case your objection to the pending proposal would be entirely removed if the direct initiative were taken out of it?

Mr. HALFHILL: I don't think that question could be answered catagorically yes or no, because there are different features to this proposal to which men honestly of the belief that it would be an aid to representative government might not agree among themselves, and on the question of what is proper fundamental law and what are proper safeguards is the ground upon which we shall have to meet in order to reach a common understanding.

Mr. ANDERSON: Could it in anyway affect representative government if you only had the indirect initiative—would it not always be representative government?

Mr. HALFHILL: I think that would always be good. By indirect initiative you mean through the legislature?

Mr. ANDERSON: Yes.

Mr. HALFHILL: That in no way runs counter to the ancient right of petition, and only amplifies it.

Colonel Roosevelt in his speech to this body announced the amazing doctrine of the recall of judicial decisions and appealed to the history of the Dred Scott case for authority, but I deny the accuracy of the application. Colonel Roosevelt said:

> I am emphatically a believer in constitutionalism, and because of this fact I no less emphatically protest against any theory that would make of the constitution a means of thwarting instead of securing the absolute right of the people to rule themselves and to provide for their own social and industrial welfare. All constitutions, those of the states no less than that of the nation, are designed and must be interpreted and administered so as to fit human rights. Lincoln so interpreted and administered the national constitution. Buchanan attempted the reverse, attempted to fit human rights to and limit them by the constitution. It was Buchanan who treated the courts as a fetish, who protested against and condemned all criticism of the judges for unjust and unrighteous decisions and upheld the constitution as an instrument for the protection of privilege and of vested wrong. It was Lincoln who appealed to the people against the judges when the judges went wrong, who advocated and secured what was practically the recall of the Dred Scott decision and who threatened the constitution as a living force for righteousness. We stand for applying the constitution to the issues of the day as Lincoln applied it to the issues of his day. Lincoln, mind you, and not Buchanan, was the real upholder and preserver of the constitution, for the true progressive, the progressive of the Lincoln stamp, is the only true constitutionalist, the only real conservative. If the constitution is successfully invoked to nullify the effort to remedy injustice it is proof positive either that the constitution needs immediate amendment or else that it is being wrongfully and improperly construed. I therefore very earnestly ask you clearly to provide in this constitution means which will enable the people readily to amend it if at any point it works injustice and also means which will permit the people themselves by popular vote, after due deliberation and discussion, but finally and without appeal, to settle what the proper construction of any constitutional point is.

And there is the idea of the recall of a judicial decision. The remarkable faculties of this great American, who is generally right in his denunciations of public wrongs, does not save him from going far afield in pointing out a remedy. No one will deny that judicial decisions are sometimes weak in reasoning and wrong on principle; but all sensible men know that judicial hearings in orderly procedure, followed up by the court's decision or judgment, constitute the best means that any form of human government can devise to settle disputed issues. Lincoln did criticise the Dred Scott decision, but he proposed no short-cut extra-legal method of ignoring it or recalling it, but in amendment to the constitution he pointed out the remedy. The constitutional amendment which our distinguished guest said was unnecessary, was deemed by Lincoln so imperative that he secured the passage of the joint resolution submitting the thirteenth amendment in the closing days of his first administration. The checks and balances necessary in government and that to a large degree would be disturbed and displaced by making direct legislation too easy to accomplish, cannot better be described than by quoting from Daniel Webster, who said:

> The first object of a free people is the preservation of their liberty, and liberty is only to be preserved by maintaining constitutional restraints and just divisions of political power. Nothing is more deceptive or more dangerous than the pretence of a desire to simplify government. The simplest governments are despotism, the next simplest limited monarchies, but all republics, all governments of law, must impose numerous limitations and qualifications of authority and give many positive and many qualified rights. In other words, they must be subject to rule and regulation. This is the very essence of free political institutions. The spirit of liberty is indeed a bold and fearless spirit, but it is also a sharp-sighted spirit. It is a cautious, sagacious, discriminating, farseeing intelligence. It is jealous of encroachment, jealous of power, jealous of man. It demands checks; it seeks for guards; it insists on securities; it intrenches itself behind strong defenses and fortifies itself with all possible care against the assaults of ambition and passion. It does not trust the amiable weaknesses of human nature, and therefore, it will not permit power to

overstep its prescribed limits, though benevolence, good intent and patriotic purposes come along with it. Neither does it satisfy itself with flash and temporary resistance to illegal authority. Far otherwise. It seeks for duration and permanence. It looks before and after, and, building on the experience of ages which are past, it labors diligently for the benefit of ages to come. This is the nature of our constitutional liberty, and this is our liberty, if we will rightly understand and preserve it.

Every free government is necessarily complicated because all such governments establish restraints as well on the power of government itself as on that of individuals. If we will abolish the distinction of branches and have but one branch, if we will abolish jury trials and leave it all to the judges, if we will then ordain that the legislator shall himself be that judge, and if we will place the executive power in the same hands, we may readily simplify government. We may easily bring it to the simplest of all possible forms — a pure despotism. But a separation of departments so far as practical and the preservation of clear lines of division between them is the fundamental idea in the creation of all our constitutions, and doubtless the continuance of regulated liberty depends on maintaining these boundaries.

To this might well be added the words of another great American contemporary with Webster. Hear the words of Rufus Choate:

One of the most specious objections to the free system is that they have been observed in the long run to develop a tendency to some mode of injustice.

You remember that Aristotle, looking back on a historical experience of all sorts of government extending over many years—Aristotle, who went to the court of Philip a republican and came back a republican—records in his "Politics" injustice as the great and comprehensive cause of the downfall of democracy. The historian of the Italian democracies extends the remark to them. That all states should be stable in proportion as they are just and in proportion as they administer justice is what might be asserted.

Whether republics have usually perished from injustice need not be debated. One there was, the most renowned of all, that certainly did so. The injustice practiced at Athens in the age of Demosthenes upon its citizens and suffered to be practiced by one another was as marvelous as the capacities of its dialect, as the eloquence by which its masses were regaled, and swayed this way and that as clouds, as waves—marvelous as the long banquet of beauty in which they reveled—as their love of Athens and their passion for glory. There was no one day in the whole public life of Demosthenes when the fortune, the good name, the vital existence of any considerable man was safer there than it would have been at Constantinople or Cairo under the very worst form of Turkish rule. There was a sycophant to accuse, a demagogue to prosecute, a fickle, selfish, necessitous court—no court at all, only a commission of some hundreds or thousands from the public assembly sitting in the sunshine, directly interested in the cause—to pronounce judgment. And he who rose rich and honored might be flying at night for life to some Persian or Macedonian outpost to die by poison on his way or in the Temple of Neptune.

I fear our political doctors follow too easily as a precedent the workings of direct government in Switzerland. The underlying conditions are not the same and the whole theory, philosophy, and organization of government in Switzerland is different from America.

Mr. STAMM: In what respect are they different?

Mr. HALFHILL: That follows right in my next statement.

The cantons, twenty-two in number, are sovereign states, but they are not larger in area than counties in Ohio. The real political divisions are the 187 districts into which the cantons are divided, and they are built up from 3164 communes. To become a naturalized Swiss, one must become by purchase or grant, a member of a commune, and then if his burghership of the commune is confirmed by the cantonal authorities, he obtains also simultaneously both cantonal and federal citizenship. Since the confederation in 1848 there has been a continuous struggle between the centralists, who want the national government to be supreme in all important affairs, and the federalists, who desire to preserve to the cantons as much as possible the exercise of sovereign power. To enforce the latter they have striven to augment the powers of popular and direct legislation and to diminish the power of representative government.

N. Numa Droz, who was for seventeen years—1876 to 1892—a member of the federal executive and twice president of the Swiss confederation, expressed the opinion in 1899 that while the dominant note of Swiss polities from 1848 to 1874 (when the present constitution was adopted) was the establishment of a federal state, that of the period from 1874 to 1899 was the direct rule of the people as distinguished from government by elected representatives.

Mr. STAMM: Does the gentleman say that Numa Droz said that in 1899?

Mr. HALFHILL: Shortly before his death.

Mr. STAMM: Did not Numa Droz die in 1895?

Mr. HALFHILL: No, sir; he died in 1899, and he said this shortly before his death.

Mr. STAMM: I think that I can show he died in 1895.

Mr. HALFHILL: I have not his death certificate, but I have good authority.

Mr. MARRIOTT: I move that a special committee be appointed to ascertain the date of that gentleman's death?

Mr. DOTY: He may return.

Mr. HALFHILL: This statement quoted from this distinguished source was that from 1848 until 1874, when the present constitution was adopted, establishing a federation, that was the dominant note in Swiss politics, but that from and within the period from 1874 to 1899

it was the direct rule of the people as distinguished from government by elected representatives.

This is easy to understand when we examine the plan of federal organization, patterned somewhat after the United States. There are two houses of the legislature, the standerat, being two members from each canton great or small, and the nationalrat, now 167 in number, elected in proportion of one to 20,000, selected from the cantons and corresponding to our national house of representatives. The two houses are on an equal footing and hold office three years before which they cannot be dissolved. The federal executive — bundesrat — is a council of seven, elected for three years by both houses sitting together as a congress, and no two of the seven can be from the same canton. The parliament also names the president and vice president and the president holds the foreign portfolio, but has no veto power and is in reality only chairman of the committee of seven. These seven cannot be members of parliament but may speak and introduce bills but not vote. The centralist or radical party have always controlled parliament, and they refer to the house of forty-four — two elected from each Canton — as a "fifth wheel of the political wagon." Therefore the federalist or the democratic party has been driven to develop the initiative and referendum as a defense to their political existence. This was the easiest way and the handiest weapon at command, for they were familiar with direct government in the small communes and cantons before the federal constitution was created. For this reason—namely, political existence — and the further reason that there was no veto power in the executive to put a brake upon any form of legislation, the initiative and referendum were developed in the larger affairs of the Swiss republic.

Mr. STAMM: Is that the only reason?

Mr. HALFHILL: That was the principal reason.

The conditions in Ohio are so dissimilar that no parallel exists and no precedent is set. To this may be added for consideration the fact that the entire area of Switzerland, including its mountains and unproductive land, is only 15,051 square miles and its population in 1900, 3,315,443. The combined population of all its cities of over 10,000 is 742,205 and but little larger than the city of Cleveland.

Mr. STAMM: Is the size of a country any reason for or against the initiative?

Mr. HALFHILL: Oh, yes; I think many laws might work admirably in some countries and not work well in some others, where the size of the country and population would very materially enter into the operation of it.

Mr. STAMM: Does the size of a man have any particular influence on the output of his brain?

Mr. HALFHILL: I don't believe the case is parallel.

Mr. STAMM: On the product of his brain?

Mr. HALFHILL: I am not a brain surgeon. I don't know. I cannot tell you.

Mr. STAMM: Or on his character or reputation or the whole mental makeup of the man — has the size of the man anything to do with that, or is it the size ot the brain and the convolutions of the brain?

The PRESIDENT PRO TEM [Mr. ANDERSON]: The gentleman from Sandusky is out of order.

Mr. HALFHILL: The dynamic force of a man has something to do with it, whatever that means.

Why not study our own conditions, our own form of government in our own time, rather than experiment with a foreign idea? At least let us safeguard any such experiment so that it does not subvert and overthrow our representative form of government.

Mr. ULMER: Has the initiative and referendum so far tended to overthrow the representative form of government in Switzerland?

Mr. HALFHILL: No; I understand it has been used with a great deal of conservatism.

Mr. ULMER: Is it not true today that the Swiss government is acknowledged as one of the best governments in existence?

Mr. HALFHILL: I think the American dollars that the American tourists take over there have more to do with building up Switzerland than the initiative and referendum. They tell me that they are not exactly cannibals in Switzerland, but they do live off of their fellow men.

Mr. ULMER: Off of whom do you live?

Mr. HALFHILL: The question is personal.

Mr. ULMER: Your statement was personal as to the Swiss.

Mr. HALFHILL: I didn't intend it that way. The fact is, that last statement was applied to my ancestors in the Adirondack mountains and I handed it over to the Swiss.

Mr. ULMER: Why do you speak of the tourists? Do you not know that the income of the Swiss people comes from their industries? Do you not know that Switzerland exports $150,000,000 worth of goods every year, and the income from the tourists is only $20,000,000?

Mr. HALFHILL: I don't know the amount.

Mr. ULMER: I do.

Mr. HALFHILL: Any statement that you make as to a statement of facts as to Switzerland I am willing to accept. Furthermore, I have the greatest admiration for the Swiss people because one part of my ancestry is pretty strongly German. Among the best citizens we have here are the Swiss and Germans, so that we have not any quarrel on that point. I have the greatest admiration for them. Their history is something glorious, every Swiss ought to be proud of it, and I don't wonder that they have a pride in it.

Mr. HOSKINS: I want to know what the speaker thinks of the Welch?

Mr. HALFHILL: Being in an amiable frame of mind, I will place them and everybody else next to the Swiss.

If this idea is not to destroy but to fulfill, as Colonel Bryan told us yesterday, then let us amend this proposal and raise the percentages for initiating a law to ten, for calling a referendum to twelve and for submitting a constitutional amendment to fifteen per centum of the qualified voters of Ohio, and also adopt some others of the safeguards that will be offered at the proper time as amendments.

Mr. KERR: Have they not adopted and are they not exercising the rights of the initiative and referendum in the republic of Mexico?

Mr. HALFHILL: That seems to be a government of tumult down there. I don't know how far it would apply in this case.

At this point I desire to offer one of several amendments that I think should be offered to this proposal which I ask to be read.

The secretary here endeavored to read the amendment, but was unable to do so.

Mr. NYE: I move that we recess until 4:35 to let the gentleman straighten his amendment out.

Mr. DOTY: The member is not asking for time, and I raise the point of order that the gentleman from Lorain [Mr. NYE] has not the floor to move the recess, as the member from Allen [Mr. HALFHILL] has not yielded the floor.

The PRESIDENT: The point of order is well taken.

Mr. NYE: Will the gentleman from Allen [Mr. HALFHILL] yield for a motion to recess?

Mr. HALFHILL: Yes.

Mr. NYE: I move that we recess until 4:35.

Mr. DOTY: I move to make it 4:25.

A vote being taken, the motion to recess until 4:35 was lost.

A further vote being taken, the motion to recess until 4:25 was lost.

The amendment of the delegate from Allen [Mr. HALFHILL] was read as follows:

> SECTION 1. The legislative power of this 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, as herein provided, laws and amendments to the constitution, and to adopt or reject the same at the polls after having been rejected or adopted by the general assembly and also reserve the power, at their own option, to adopt or reject any item, section or part of a law, passed by the general assembly, except as hereinafter provided.
>
> Page 1, line 11, strike out "eight" and insert in lieu thereof "ten".
>
> Line 13, strike out "twelve" and insert "fifteen".
>
> Page 2, strike out lines 15 to and including the word "convenes" in line 34 and insert the following:
>
> "When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been presented to the secretary of state a petition signed by ten per centum of the voters and verified as herein provided, proposing a law, and fifteen per centum proposing an amendment to the constitution so verified, the full text of which law or amendment 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 PRESIDENT: The question is on the adoption of the amendment.

Mr. HALFHILL: I desire to say with reference to the amendment offered that the arguments and reasons for that amendment I have tried to make as plain as I could. I believe there is nothing further I could now add in favor of it and I yield the floor.

Mr. BEATTY of Wood: I demand a yea and nay vote on that.

Mr. LAMPSON: Under the rule the amendment can be discussed.

The PRESIDENT: The member from Wood [Mr. BEATTY] has demanded a yea and nay vote, and the question might be put.

Mr. WORTHINGTON: No; it is only a demand for the yea and nay vote when that amendment is voted on,

Mr. Lampson was recognized.

Mr. DOTY: The member from Ashtabula [Mr. LAMPSON] seems to have made some preparations, and will he yield for a second so we can see if we can make some arrangement? He might want to defer until the beginning of the next session, or he can begin now.

Mr. LAMPSON: I might as well proceed now if the Convention desires to stay and hear me.

The PRESIDENT: The gentleman will proceed.

Mr. LAMPSON: Mr. President and Gentlemen of the Convention: I once heard an Irishman—and the Irish are always supposed to be witty—define repartee as the art of saying today what one thinks of tomorrow. I have not that art and if at this late hour you will postpone your questions until I am through, perhaps it would be more satisfactory, although I have no objections whatever to questions under ordinary circumstances.

I desire to speak to the following amendment, which I will offer at the close of my remarks, and which in no wise violates the principle of the initiative and referendum, but prevents its unjust and unwise use to shift all of the tax burdens of government upon land occupants or throw into confusion, the choice of the people's representatives and the local judiciary:

> Amend Proposal No. 2 as follows: Page 5, after section 1-c, insert as follows: The powers defined herein as "the initiative" and "the referendum" shall never be used to amend or repeal any of the provisions of this paragraph or to enact a law or adopt an amendment to the constitution, authorizing a levy of the single tax on land or taxing 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, to personal property or to the bonds of corporations, other than municipal. Such powers shall never be used to enact a law or laws redistricting the state for representatives in congress or redistricting the state for members of the general assembly, or changing the boundaries of judicial districts.

If the pending proposal were now a part of the constitution and the governor should call an extra session of the legislature, as has been recently proposed, to redistrict the state for representatives in congress, great confusion, in view of both factional and party divisions, might easily develop. For illustration, suppose that under a new gerrymander Portage county, now in the nineteenth district, should be placed in the eighteenth, Geauga county in the twentieth and Ashtabula should remain in the nineteenth; then each party proceeds to select its candidates for congress—in the eighteenth district the candidate is taken from Portage county, in the nineteenth from Ashtabula county and in the twentieth from Geauga

county—a referendum vote by petition is taken on the proposed law, and of necessity the vote will occur at the same general election that the candidates for congress are to be chosen, and in the event the new redistricting law is defeated, what will be the effect upon the candidates? What districts, if any, will they represent? They cannot be elected to represent the districts which the sovereign electors have voted out of existence. Perhaps, by the operation, the old law may be revived, and Portage, Geauga and Ashtabula still remain in the nineteenth district, but would that district then have three representatives in congress, while the eighteenth and twentieth would have none? The chances are that the entire Ohio delegation, claiming election under such conditions, would have a contest on hand both at home and in Washington. Similar confusion might result in senatorial and judicial districts. I submit this branch of the amendment to your consideration and now call your attention to the proposed inhibition of the use of the initiative and referendum to levy the single tax on land. If such is not its purpose then there can be no serious objections to this amendment. In my judgment no member of this Convention who is not a singletaxer at heart will oppose this amendment.

Mr. W. S. U'Ren, the leading singletaxer and initiative and referendum advocate in Oregon, in a report to the single-tax conference held at New York November 19-20, 1910, under the auspices of the Joseph Fels Commission, said:

> We have cleared the way for a straight single-tax fight in Oregon. All the work we have done for direct legislation has been done with the single tax in view, but we have not talked single tax because that was not the question before the house.

The way was also cleared for a single-tax contest in Washington. It came off in Seattle only a few days ago and the singletaxers were badly defeated. This amendment does not affect the principle of the initiative and referendum, which I admit, when properly safeguarded have their important use. I agree with Colonel Roosevelt that the initiative and referendum should not be made too easy of application. Even in this Convention the delegates need time for debate and consideration and hasty action is not safe. It often happens that the wise course is found somewhere midway between two extremes. If the Crosser proposal were amended so as to require that each proposed law should first be considered by the legislature, where there would be plenty of opportunity for public criticism, one important objection to it would be removed. This is the Wisconsin plan, which some people regard as a radical state in so-called progressive reform. Then, also, the percentages ought to be increased and at least one-half of such percentages should come from each of three-fourths of the counties. I do not understand why the percentages which were advocated in the campaign for delegates to this Convention—eight, ten and twelve, respectively—should be changed to four, six and twelve. But I proposed to discuss the proposal as it relates to "the single land tax."

Seven years after the adoption of the first constitution of Ohio, a revolutionary soldier drove an ox team from Connecticut to the Western Reserve and settled in a forest upon a hillside, facing the sunrise and overlooking the valley of Grand River. This soldier contracted for a quarter section of forest land, cleared away a spot for his log cabin and laid the foundation for his new home. Here in time he developed a farm, reared a family of children and obtained title to his land. This revolutionary soldier was a typical early pioneer settler of Ohio. A few settlers had preceded him, some came with him, and all were inspired by one mighty overpowering purpose, to obtain the title to land — to a home, that each might call his own. The little log cabin in the forest was the pioneer's castle. Out of his courage, privation and industry have grown a mighty state, with five millions of people. His children have founded and built cities, yea settled and constructed other states, until a great continent has been pre-empted by homeseekers, and this revolutionary pioneer, and they, who like him were inspired by a passion for a home of their own, have in a little more than a century of time developed a republic of home-owning and home-loving people unequalled in all the annals of history. I am still a young man, and yet I remember when there were less than thirty million people in the United States and not a single transcontinental line of railroad. Most of the delegates came to the constitutional convention of 1851 on foot, on horseback or by stagecoach. There were at that time only a few hundred miles of railroad in Ohio. Since the Pilgrim fathers landed on Plymouth Rock the course of empire has been westward, and it has been an empire of homeseekers. No single element in the realm of human passion has contributed so mightily to man's development as his passion for ownership of the spot of ground called home. What a wealth of love and inspiration, of tender memories, spring from that word, "home"!

> "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, 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 great republic than all the dreadnaughts that ever plowed the seas. From these homes 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 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 Carnegie's and the Rockefeller's want to devise a plan that will strengthen and perpetuate the republic, and 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 in-

terest. 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. Let us enlarge the authority of cities to enact legislation and to make sanitary all tenement houses. These are city problems which no single-tax theory will solve. But gentlemen who advocate the single tax, or who would place all the burdens of government upon the occupants of land, and who would destroy individual land titles to produce government ownership of all land, little realize the mighty conflict they would provoke. Should they succeed, which I trust both God and man will forbid, some day the firebells will ring, flames will burst out of a great manufactory, or it may be a magnificent palace, people will rush from their homes to the street, to see the engines drawn by maddened horses go by. And when the flames are quenched, the excitement ever, and the firemen have returned, the occupants of the homes along the street will begin to ask among themselves, Who pays all of this expense for the protection from fires of the millionaire's shop or of his storehouse? The answer will come back, "Only the occupants of the land in the taxing district whose rents have been increased to the full measure of the rental value of every plot or site of ground on which stands a home or a store." This great manufacturer, with his millions in personal property, with a cordon of police detailed to guard it and to preserve order, will pay little or nothing for his own protection or that of his property. The occupant of the land, who no longer owns it, pays all the taxes, all of the expenses of governmental protection and service. The land will not burn, it will not run away, it cannot be taken from him so long as he pays in taxes its full rental value. Then the sense of injustice and of wrong, which has been smouldering, will burst into flame; then the courage of the revolutionary soldier that settled in the forest will still be coursing in the veins of his offspring, and another revolution will spring into being quite as just as was that which sprang from unjust taxation of 1776, and more terrible than the history of France records. Gentlemen, neither the yeomanry of this country nor their descendants, nor they who have come from other lands to found for themselves new homes, will ever surrender their titles short of revolution. This single-tax question is not simply against the farmer. It concerns also the home owner in the village and city and the renter everywhere, since by the Henry George theory taxes on land will be measured by their rental value, and he who occupies it must pay the tax. But over and above all questions of taxes is the question of stability of citizenship, of patriotism, which goes with home ownership. Ask a substantial business man of mature years in any of our great cities, from whence he came, and he will tell you, with a degree of pride and emotion, from the old homestead in the country. Then he will grow reminiscent and add that he has always been glad that father got the little home paid for before he died, and that mother had a little time to enjoy her flower garden. Oh, those flower gardens along the country roadside! Do you think that the housewife would be quite so anxious to grow them if she had no ownership in the soil? Still their beauty is for all. Everyone admires a flower garden. What is more beautiful than a red rose? Its petals are as soft and tender as a mother's love. Its color suggests the courage of our revolutionary pioneer, and its fragrance is as sweet incense, covering us all with our Heavenly Father's benediction. Let us improve our constitution along lines of sane progress, in harmony with the natural evolution of our civilization, but with no spirit of revolution, believing as we do that the cardinal principles of our present constitution are the sheetanchor of our ship of state.

The question of the justification of land rent is one not of its existence, but its disposition. Since rent is as much a part of the social product as wages, to query the justification of rent is in one sense as unmeaning as to question wages. The rent which a tenant pays is fixed by economic laws, whether he hands it to a private individual or to the government is immaterial so far as its existence is concerned. The point at issue is: Who should get the rent, the individual or the government?

Private property in land rents is attacked from three sides. The communists assail it because they are opposed to all private property; the socialists, because they are opposed to private control of any factor of production except that of the laborer himself, and the land nationalizers and singletaxers assail it because of their alleged distinction between land and other capital. All these are distinctive, but the last only is peculiar to land.

According to single-tax exponents, land rental is held to be a monopoly privilege, and land value is claimed to be a social product. Therefore, for these two reasons, they claim land is unsuited to private ownership.

In the first place, however, we know that monopoly can not well be predicated on land in general. Worthless land exists in abundance. From the worthless to the priceless lands, however, there is a continual gradation, and it is impossible to say where relative abundance and competition stop and monopoly begins. Even if the fact of privilege were substantiated it is not competent to single out land. Patents and copyrights are exceedingly valuable even if temporary privileges. The institution of inheritance, whereby society confers upon individuals the right of receiving that for which they are in no wise responsible, is a privilege the value of which may be only in part referable to the land. That all such privileges should be paid for is a legitimate demand, but to claim that this payment should be extended to the point of the total value of the land would logically lead to the similar claim that the total value of all inheritances, franchises, patents and copyrights should be taken by the state.

Secondly, the assertion that land values differ from other values in that they are a social product involves the contention that the value of other things is an individual product. Individual labor, however, has never by itself produced anything in civilized society. Take, for example, the workman fashioning a chair. The tools that he uses are the result of contributions of others; the house in which he works, the clothes he wears, the food he eats, are the result of social contribution. The wood in the chair is a gift of nature; and has not been produced by him. His safety from robbery, even his existence, depends on society. How can it be said then that his own labor wholly creates anything? If it is said that he pays for his tools, his clothing, and his protec-

tion, it may be answered that the land purchaser also pays for the land. All value is a social product.

It may be contended that the landowner does nothing, while the carpenter at least does something. This can only apply, however, to the absentee owner of land. Under modern corporate investments even this distinction is robbed of its importance. Suppose I invest in land or shares of a street railway, a bank or a newspaper. At the end of ten years I return and find the land values have increased, but I also find that the same cause — growth of population and prosperity — has equally increased the value of my other investments. One is as much increased as the other.

Private property in agricultural land has been developed in the course of long centuries as the most effective means of spurring on the cultivator to the best methods, and thus uniting individual and social interests. To distinguish between individual and social causes of agricultural rent is impossible. The singletaxer is wrong in his first assumption, for the claim that land rent is monopoly privilege cannot be substantiated; and even if land rent were a monoply privilege, the single tax is not justified in singling out land from other privileges, such as franchises, patents, copyrights and inheritances. The singletaxer is wrong in his second assumption, that land value, distinct from other values, is a social product, for all values are a social product. Therefore it is only when the control of land by individuals becomes a distinct menace to society that its rigid regulation, or even its assumption by the community, is justified.

Fine spun theories often sound plausible, and sometimes well-meaning people become very enthusiastic over the thought that they have a discovery which will relieve the burden of the submerged, when a practical application of their theory will increase the burdens of the poor, of the wealth-producing classes and relieve the burdens of the rich and still further fill their coffers with unearned increment. An unearned increment is as applicable to personal property as to land. The provisions in a grocery store or the goods on a merchant's shelf are often made more valuable by an ever-increasing population. A bushel of apples in a farmer's orchard may sell for twenty-five cents when the same bushel in a city market will bring two dollars and the labor of transportation does not measure the increase. There is attached an unearned increment. Why not tax it? It can stand it even better than the farmer's fields.

Go with me into a country school district and let us apply the single land-tax theory to the single purpose of raising money to support a district school. Suppose that the district embraces two square miles of territory, or 1,280 acres of land, and that in the center is a little hamlet of twenty families, with an average of two children each of school age. The land outside of the hamlet is occupied by twelve farmers with two school children each, making a total of sixty-four children to be provided with school privileges. The maintenance of such a school will easily cost $1,800 per annum. At the outer limits of the hamlet a retired farmer and a retired banker and capitalist each occupy thirty acres of land, with fine country homes, gardens, beautiful lawns, large barns, fruit orchards, such as are frequently adjacent to a country village. In addition to these beautiful country seats their occupants have invested in stocks and bonds to the amount of $50,000 each. The village storekeeper, blacksmith, teachers, artisans and laborers occupy modest but comfortable homes on small sites of land, whose rental or taxable value is increased by their close association.

Together they must raise $1,800 for the school. By the single-tax theory every dollar must be raised by a tax on the bare land. Nothing can be levied on improvements or personal property. Suppose that the rental value of the bare land or land sites of the 1,200 acres occupied by the farmers be placed at $2.00 per acre and that one-half of this rental value to be taken in taxes shall be used for the support of the schools, and we have $1,200 from the farmers with which to help maintain the schools. The rental value of the sixty acres occupied by the retired capitalists, the land being near the hamlet, we will double and call their school tax $120, thus leaving $480 to be raised by the eighteen villagers on their town sites, or an average of $26, $^2/_3$ apiece for school purposes alone. For all purposes their taxes would be at least double. Now what is the result of the application of this method of taxation in this country school district? The twelve farmers with twenty-four children have paid twice as much tax as the twenty villagers with forty children, and the two retired capitalists, living in palatial country homes on the income of investments and having more property than all the rest combined, escaped with the payment of $120, a mere bagatelle. The farmers and little home occupants would be taxed under the proposed Henry George single-tax system more than double the amount now levied upon them by the present system, while the capitalists would substantially escape the burdens of taxation. Every laboring man would have to pay in the form of taxes the rental value of the land site he occupied with his home. I do not propose to make it easy for any organized coterie to accomplish such a result.

Both the nation and the state have progressed under our system of representative government beyond compare. And yet the federal constitution, when it was originally adopted, was not even referred to the people, but was ratified by their chosen representatives in the legislatures of the several states, where there was ample opportunity for discussion and consideration. Does any one suppose that if it had been framed in mass convention it would have reflected the credit upon its framers, that is accorded them in history? The people are usually right after they have had time to deliberate and consider, but none of us is apt to be right when called upon to act in the heat of excitement or anger. If in that terrible winter before Valley Forge General Washington had been subjected to the recall, even of his own soldiers when they were hungry, he might have lived to train the roses in the gardens of Mount Vernon, but he never would have been called the "Father of His Country." If the recall had been applied to Lincoln in the dark days of the rebellion, when the Union army was meeting defeat on every battlefield and the land ran rivers of tears and blood, the wreck of constitution and country would have been complete and the name of the great emancipator buried in obloquy and oblivion. Why, even Ohio voted against Lincoln's administration in 1863, while now all of the people regard him as the greatest and the best of American presidents. Does any student of his-

tory believe that if the Louisiana purchase has been referred to a direct vote of the people at the time when it was made, it would have been made? I well remember that the purchase of Alaska was ridiculed by both people and press and called Seward's folly. In history it is his enduring monument. In the long run the majority of the people are usually right, but the mob takes the short run, and we do not want an initiative and referendum under the short run. We want time enough for the people to get the truth and get it right. It is the cool head that saves the ship in a storm or the audience in a panic. God has never endowed any statesman or philosopher or any body of people with wisdom enough to frame a system of government that would run itself wisely when everybody was on a stampede or off about his own business. Hence, in a republic, the necessity of representatives. The making, application and interpretation of law defining the rights and relations of men demand a high order of intelligence, special training and spotless integrity. The law-abiding and more considerate body of our great electorate are usually busy in honest service, contributing to the human uplift. They are too busy making an honest living to study all of the complicated questions of government that come trooping, one after another, in our rapidly advancing civilization. They should be given time for their consideration. How quietly the mothers of the land pursue their calling of home building! Witness the surpassing loyalty and devotion to our youth of the great body of teachers. With what marvelous regularity Uncle Sam's postal boys deliver mail. How surely the crops are planted, harvested, transported and distributed. Ships ride the sea, messages fly the air and industry hums everywhere, because the real people are true to service. All of these with seldom a sensational headline anywhere. Why, the other day I was passing up a street in the great industrial city of "Brotherly Love." I saw a large crowd of boys and men watching a dog fight. While the fight was on hundreds of school children were hurrying to a near-by school house, thousands of factory girls were on their way to the woolen mills and the passing street cars were loaded with shifts of faithful laborers. Few passersby paid any attention to these mighty factors in our civilization, but an evening paper had a full account of the brutal dog fight. The natural proclivity, especially of the idle, to see the brutal has been capitalized and made commerce of by some of our magazines and newspapers, and so we have had "Treason in the Senate," followed by tragedy for its author. One sensation after another in social life, and I suppose we will continue to have sensations in politics, but in the matter of framing laws for the government of all the people, the people themselves ought to be given oportunity and time to get out as largely as may be from under the influence of sensations of any kind. Sensations, if allowed to mold the laws of our commonwealth and especially its constitution, would in the end mean tragedy for the republic, a destruction of the representative system. The representative system in our national government has more than once been on trial in the national house of representatives. The greatest parliamentary battle in all our history for the preservation of representative government was led by Thomas B. Reed in the fifty-first congress. This is a government founded upon the will of the people as expressed through majorities. For many years a system of filibustering had been gathering force in the national house of representatives, through which it was attempted to defeat the will of the majority. Speaker Reed saw that if this system was not checked that representative government would be defeated. The crisis came in the contested election case of Smith vs. Jackson. The minority on a roll call remained silent and refused to vote, thus breaking a quorum. Speaker Reed directed a clerk to record as present the names of several members, and when a sufficient number had been recorded he announced the presence of a quorum and declared the vote. This action of the speaker was heroic and just, but the scene of tumult and disorder which followed was the greatest ever witnessed in the American house of representatives. Down the right aisle rushed Mr. Breckinridge of Kentucky, his face red with anger, his shaggy white locks waving in disorder, like the mane of an angry lion. He approached the rostrum with clenched fists and shook them at the speaker, shouting, "I deny the power of the speaker and denounce it as revolutionary." Wave after wave of applause swept alternately over each side of the house and commingling made the most spectacular parliamentary storm ever seen in the American congress. In the midst of the storm the great speaker calmly commanded, "The house will be in order," and rapped vigorously with his gavel. Mr. Bland of Missouri, advancing, with passion, cried out, "Mr. Speaker, I am responsible to my constituents for the way in which I vote and not to the speaker of the house of representatives." The count calmly proceeded. "I protest against the conduct of the chair in calling my name," cried Compton. "I deny your right, Mr. Speaker," said McCreary of Kentucky, "to count me as present, and I desire to read from parliamentary law on the subject." "The chair is making a statement of fact that the gentleman of Kentucky is present," said the speaker. "Does he deny it?" the speaker added in a tone of bitter sarcasm. Mr. Reed then continued the count until a sufficient number had been noted as present to make a quorum and then announced the result. Thus the names of those voting, plus the names of those noted as present and not voting, constituted a majority of the whole house, a quorum. Reed was a savior of representative government as Lincoln was a savior of the Union. For this accomplishment he was denominated a czar, a tyrant, a revolutionist. He was in fact an evolutionist, evolving methods of procedure in harmony with the growth of the country and essential to the preservation of popular government. Reed's quorum-counting rule is now the settled practice of the national house of representatives and its wisdom acknowledged by all parties.

I call attention to that as showing how far people can go wrong, to show that in any change of our form of representative government we should be sure to throw safeguards around it so that the people themselves, who are the source of all power, should be right and safe.

I do not object to the fundamental principle involved in the initiative and referendum. All I contend for is that it be safeguarded and be made supplementary, a check, if you please, upon representative government and not to destroy representative government.

Mr. FACKLER: You gave an example of the con-

gressional district and cited an instance of what might happen.

Mr. LAMPSON: Yes.

Mr. FACKLER: I ask you if under lines 72-74 of the proposal, and also under the provision for the referendum, it is not a fact that the old congressional district would stand in such a case.

Mr. LAMPSON: I don't think so. I think it would be thrown into confusion. I did not go into that as much as I might. I think there would be unending confusion. You would proceed under what you would suppose to be the new district and make your nominations for congress and these nominations would be voted upon at the same election where the referendum would be taken.

Mr. FACKLER: May I call your attention to line 72? It reads: "No law passed by the general assembly shall go into effect until ninety days after the final adjournment of the session of the general assembly, which passed the same, except as herein provided." So that the old congressional district would still stand.

Mr. LAMPSON: Then when they did receive a majority vote there would be a new district and you would be voting in the old district. When would the new district scheme go into effect?

Mr. FACKLER: At the next election.

Mr. LAMPSON: That is two years away.

Mr. FACKLER: That is better than to allow a legislative gerrymander.

Mr. LAMPSON: Another idea — and that is the reason why I wanted to exempt from the operation of the initiative and referendum any redistricting scheme — there is bound always to be danger of a gerrymander no matter which party makes it. Whichever party makes it the other party will say it is an unfair gerrymander, and if there is a faction in the party that makes it, that opposes it, then that faction, with the other party, will be in command at the election.

Mr. FACKLER: Do you see any more reason for placing in the initiative and referendum proposal a limitation upon the power of the people to pass laws with reference to taxation than you do with reference to taking property without just compensation, or any one of a great number of laws which could be cited for which you could not get a majority?

Mr. LAMPSON: I certainly do. No majority of the people has any right under the form of taxation to rob me of my home.

Mr. FACKLER: Don't you think if this does accomplish what you are claiming, and what I deny, that if a single-tax proposition were submitted, it would be rejected by the people?

Mr. LAMPSON: It would at the present time, but when this state has ten or fifteen million people you don't know what will happen. We are making a constitution that may last for fifty years.

Mr. FACKLER: But the people at the time will be able to deal with the constitution.

Mr. LAMPSON: I am afraid, when the people become as numerous as that, that they will be a very uncertain quantity.

Mr. FACKLER: Do you think by putting in restrictions you can do anything to save them?

Mr. LAMPSON: I am afraid not, but I am determined to do the best I can. I do not concede that any majority of the people have any right to place all the burdens of government upon a minority. Constitutions are made for the purpose of preserving the rights of minorities as well as majorities.

Mr. HOSKINS: I want to ask you with reference to the latter part of your address, where you referred to the ruling of Speaker Reed in congress. Do you think that had anything to do with the preservation of representative government? On the contrary, was it not a fact that he arbitrarily counted a quorum, a confession of weakness upon the part of those who were proponents of the measure that Speaker Reed and his cohorts were attempting to put through?

Mr. LAMPSON: No, sir; it is universally admitted by your party as well as mine — I did not desire to bring in a party question, but it is universally admitted since that time, by the adoption of the Reed rules, that he was right. Now the rules of the national house require a member present to vote, and yet when they were sitting right there they had a system by which they would defeat legislation by a filibuster, refusing to vote for the purpose of breaking a quorum.

Mr. HOSKINS: But where did that rule have anything to do with representative government?

Mr. LAMPSON: It permitted a majority to go ahead and legislate. It permitted the majority, which was responsible, to conduct business. I did not bring that up for the sake of provoking a controversy, but I simply brought it up for the purpose of showing that the people will change their minds — that the representatives of the people will change their minds and will concede that something is wrong which they have done in the excitement of the hour and that they will then act just exactly different from what they did in the excitement.

Mr. HOSKINS: My purpose in asking the question was that I thought that that action of Speaker Reed's had nothing to do with the preservation of representative government. I thought it was rather far-fetched.

Mr. LAMPSON: I think not. It has been approved of by a great many commentators on the subject. It was right simply because it enabled the majority to fulfill its function and the other method would have absolutely defeated it.

Mr. HOSKINS: If a majority are responsible for government ought not they be responsible for having their forces on the floor?

Mr. LAMPSON: That is sometimes impossible. Let me call your attention, by way of illustrating that point; Suppose the pro-slavery representatives in congress, instead of withdrawing during the Civil War, had remained there and used their power to break a quorum. Under the old rule they could have absolutely prevented the passage of appropriation bills to support the army.

Mr. DOTY: Many of us want to ask questions, but if the member wants us to recess —

Mr. LAMPSON: To my surprise when I began speaking I found that I developed a hoarseness, and I don't think I ought to proceed any further.

Mr. DONAHEY: Do you pretend to know what the people may want to tax or to relieve from taxation during the next twenty years?

Mr. LAMPSON: No; but I know it won't be right if they want to relieve all the different classes of prop-

erty except the land owner and the home owner. The burdens of government should be equally distributed as far as may be.

Mr. DONAHEY: Do you believe in the principle of the bill of rights saying, "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?" If you believe in that principle, why set out in the constitution that people should not exercise their inherent right to alter the tax laws.

Mr. LAMPSON: The people have certain natural rights. They have a right to life, liberty and the pursuit of happiness, and the right of property and that which goes with property. You are undertaking by the single-tax theory to protect the natural rights of every man who has personal property by exempting it from all the burdens of government, and then not to protect the natural rights of men who happen to occupy real estate, and you are putting all the burdens on them and now what I say is that the home owners and the farmers and the land occupants and the tillers of the soil are the great bulwark of safety for the republic and I want to say this, that if you want to raise that issue on this proposal I welcome it.

Mr. DONAHEY: Is it because you are a majority of the people?

Mr. LAMPSON: The majority of the people don't know anything about your initiative and referendum. I want to show you how the sentiment has largely been promulgated. I didn't intend to insert this, but I will show you how the sentiment is manufactured. Here is a letter headed the "Joseph Fels Fund of America." This letter is addressed to the editor of the Gazette, Jefferson, Ohio. The editor of the Gazette at Jefferson, Ohio, is my son and this was addressed to him during the campaign for delegates. It is dated July, 1911. On the letterhead is the name of Henry George, Jr., and some other illustrious names that I know. I know Henry George, Jr.! I heard his father lecture in this city twenty-five years ago on the single-tax theory. The letter reads: "If you have used in your paper or will use a letter addressed to you from Portland, Oregon, I would thank you for some copies of the paper, for which I should be glad to pay. I would also like to know whether you can let me have several hundred copies of it and at what price." What does he want of a country newspaper? What does he want several hundred copies of a country newspaper with a single-tax article published in it for? And he wants to pay the price that the country editor is willing to fix. And that kind of letter has been written and sent all over this country to promulgate the single-tax theory.

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. HARRIS, of Hamilton: In order that there may be no misunderstanding and no excitement I wish to say that there is not a gentleman in this Convention who is more unqualifiedly opposed to the single tax than I am, but as a member of the committee on Taxation I want to ask the delegate [Mr. LAMPSON] if he does not consider it the rankest discourtesy to the committee on Taxation for him to attempt to take away their powers under the specious pretext of introducing an amendment to an initiative and referendum proposal?

Mr. LAMPSON: I certainly do not.

Mr. HARRIS, of Hamilton: Is not this an indirect method and ought not you do it in a direct way?

Mr. LAMPSON: This may be a different from the way it might have been done, but nobody has to vote for this unless he wants to, and I give due notice to all of you that the country will know how you vote on it.

Mr. HOSKINS: Will you inform the Convention whether or not you are laboring under excitement?

Mr. LAMPSON: Sure; and whenever the people, through the forms of law, through a constitutional law or any other law, undertake to rob any other part of the people it naturally produces excitement.

Mr. HOSKINS: Don't you think you are excited?

Mr. LAMPSON: I am, but still I have made up my mind on this proposition.

Mr. DOTY: You travel, I believe, a hundred and eighty miles to your county?

Mr. LAMPSON: Two hundred and five.

Mr. DOTY: You traveled that last week to vote at a referendum election?

Mr. LAMPSON: Yes. I am not opposed to the referendum —

Mr. DOTY: I know you say you are not.

Mr. LAMPSON: But I want it safeguarded.

Mr. DOTY: You want it "safe and sane?"

Mr. LAMPSON: Yes.

Mr. DOTY: Now, I want to put another question. You remember twenty odd years ago?

Mr. LAMPSON: Oh, don't go back so far. You can't remember that.

Mr. DOTY: I know you said you were a young man and this gives you away.

Mr. LAMPSON: I want to tell you all something. I had a dream the other night. I dreamed that I went to the pearly gates into the celestial city —

Mr. DOTY: It was a dream.

Mr. LAMPSON: — and there was a large concourse of great men there. There were Benjamin Franklin, Abraham Lincoln, James Madison and George Washington all in a group, and up on a dry-goods box with his fingers up that way and his bald head shining in the sunlight, there was a man pointing his finger and asking questions. I went to the gate keeper and asked him who that fellow was and he said, "Why, that's Ed Doty, of Cleveland."

Mr. DOTY: You see I was in heaven. I have not asked my question yet, but I want incidentally to remark that you will all notice that I did get to heaven. Now I want to go back to the time when there was the last gerrymander. Of course you remember that, Mr. Lampson, and I don't refer to the one made by the democrats, but to the one you and I helped to make. You remember, you and I came down to fix it so that we could both go to congress, and neither of us ever got there. If we had had that gerrymander put through would that gerrymander have stood under an initiative and referendum?

Mr. LAMPSON: I don't think any redistricting schemes will stand?

Mr. DOTY: You are sure that wouldn't?

Mr. LAMPSON: I don't believe it would because, just as I said a moment ago, the opposite political party and the disappointed ones in the party making the gerrymander will be enough to defeat it.

Mr. DOTY: I just wanted to ask if the bill which finally passed in 1892, and which stands today with slight amendment, would have failed at a referendum?

Mr. LAMPSON: Yes; I think so, or any other one that could be passed.

Mr. DOTY: The people then knew enough to defeat a gerrymander.

Mr. LAMPSON: It would be defeated whether right or wrong. There is too much partisan feeling in the redistricting business for any of it to stand.

Mr. BEATTY, of Wood: I have listened to the gentleman's argument and I want to ask a question or two. The gentleman introduced a proposal to spend $50,000,000 for good roads?

Mr. LAMPSON: To put that to the people on a referendum.

Mr. BEATTY, of Wood: I want to understand your position. You are very much concerned about the farmer, you say, and yet these bonds in our county will put double taxation on us.

Mr. LAMPSON: You should be satisfied. You are advocating the referendum. What objection is there to it from your standpoint?

Mr. BEATTY, of Wood: I want to know if you are against double taxation under one proposal why are you not against it under the other?

Mr. LAMPSON: You are advocating this proposal just as it is introduced.

Mr. HOSKINS: About the congressional gerrymander. I want to ask if you two helped to gerrymander the state into the place it now is?

Mr. LAMPSON: It has been changed lately. I don't think there has been any general redistricting scheme since then. I believe Franklin was coupled with Fairfield. It has operated pretty well from a republican standpoint until last year, when it operated pretty well from a democratic standpoint.

Now, I offer this amendment:

> Amend Proposal No. 2 as follows: Page 5, after section 1-c, insert as follows:
>
> "The powers defined herein as "the initiative" and "the referendum" shall never be used to amend or repeal any of the provisions of this paragraph or to enact a law or adopt an amendment to the constitution, authorizing a levy of the single tax on land or taxing 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, to personal property or to the bonds of corporations other than municipal. Such powers shall never be used to enact a law or laws redistricting the state for representatives in congress or redistricting the state for members of the general assembly, or changing the boundaries of judicial districts."

The PRESIDENT: The president would like to hear the opinion of the gentleman from Ashtabula [Mr. LAMPSON] upon the point of order that he tried to make that this is not in order at this time.

Mr. LAMPSON: I was not making a point of order. I am willing that the other amendment be left pending, but as to this I am willing that it be voted on right now.

The PRESIDENT: The chair is of the opinion that under the rule this cannot be entertained until the other is disposed of.

Mr. LAMPSON: Only two are pending.

The PRESIDENT: The rule says but one amendment to an amendment shall be allowed to be pending at any one time except there may be an additional amendment by way of substitute. This is not an amendment to an amendment, nor is it a substitute.

Mr. LAMPSON: We have been treating them as though they were amendments to amendments when they were not. I think there is another rule on that subject.

Mr. WORTHINGTON: I will refer the chair to Rule 94.

The PRESIDENT: The president does not think that rule admits this amendment. Does the member from Hamilton [Mr. WORTHINGTON] think so?

Mr. WORTHINGTON: I think the latter clause does: "One amendment shall not prevent another in any other part of the proposal." This amendment refers to a different part of the proposal from what the other amendment does.

The PRESIDENT: The particular rule must be interpreted in the light of what precedes. This rule says: "But pending a motion to amend one part of the proposal, it shall not be in order to amend any other part of the proposal, unless the second amendment is necessary to a proper construction of the first." It does not seem to me that this is in order.

Mr. LAMPSON: Has there been any point of order raised against this amendment?

The PRESIDENT: No; the president was doubting the propriety of entertaining it.

Mr. LAMPSON: I am perfectly willing it shall go to a vote right now.

The PRESIDENT: But it cannot go to a vote right now.

Mr. LAMPSON: Well that doesn't prevent me from offering it. It can be voted on later.

The PRESIDENT: You don't think we can vote on it now?

Mr. LAMPSON: That is the point. It may be that we cannot vote on it now until the other amendment is disposed of, although I am willing to have it voted on right now.

The PRESIDENT: The question is on the adoption of the amendment offered by the gentleman from Allen [Mr. HALFHILL].

The member from Noble [Mr. OKEY] was here recognized and yielded to Mr. Doty, who moved to recess until one o'clock p. m. tomorrow.

The motion was carried.