

SIXTIETH DAY

MORNING SESSION.

MONDAY, April 22, 1912.

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

The journal of yesterday was read.

Mr. Crosser here took the chair as president pro tem.

Mr. HARBARGER: I wish to correct the minutes. I am not recorded as voting on the Roehm proposal.

The SECRETARY: It is correct in the record. The printing is wrong.

Mr. LUDEY: I notice that I am marked as voting in the affirmative and also in the negative on the Roehm proposal. I voted in the affirmative.

Mr. FARRELL: On April 8 I am marked as having failed to answer to my name on the roll call. I was present when the roll was called and I answered to my name.

The SECRETARY: It is not so recorded.

Mr. FARRELL: I was present and it was a call of the Convention by Mr. Roehm.

The SECRETARY: The record does not show you as having answered.

Mr. FARRELL: Well, I did.

Mr. HARBARGER: My name is not recorded on that either and I answered.

The PRESIDENT PRO TEM: The secretary will make the corrections as indicated, and the journal will stand approved.

Indefinite leave of absence was granted to Mr. Matthews and Mr. Shaffer.

Leave of absence for the remainder of the week was granted to Mr. Marriott.

Leave of absence for Monday and Tuesday was granted to Mr. Anderson.

Leave of absence for Monday was granted to Mr. Miller, of Fairfield.

MOTIONS AND RESOLUTIONS.

Mr. CASSIDY: I desire to offer a resolution.

The resolution was read as follows:

Resolution No. 107:

WHEREAS, On the first day of April, 1912, the president of the Convention and the chairman of the committee on Claims Against the Convention were authorized and directed to enter into a contract with the F. J. Heer Printing Company for the printing and publication of the debates of this Convention, but no provision was made therein for printing the index to the volumes of such debates; therefore,

Be it resolved, That the president and chairman of said committee are hereby authorized and directed to make a contract for the printing of said index at a price of not to exceed \$3.50 per page.

Mr. CASSIDY: I move that the rules be suspended and the resolution be considered at once.

Mr. STILWELL: I would like to make an inquiry as to the price at which the index is to be printed. Is that the price at which the rest of the debates is to be printed?

Mr. CASSIDY: No, sir; the rest of the debates is a lump figure based on the rate of \$2.50 per page. The index has to be printed in different type and Mr. Heer charges \$1 per page additional for the index.

Mr. STILWELL: Well, I object to the suspension of the rules. In my judgment it is not worth \$1 per page extra, simply to set the type up and I know it is not worth \$1 extra for the whole thing.

The PRESIDENT PRO TEM: The delegate from Logan moves to suspend the rules and consider the resolution at once.

Mr. DOTY: This is the contract for the index and tabular type setting?

Mr. CASSIDY: Yes.

Mr. DOTY: Printing tabular work always costs more.

Mr. STILWELL: I said it is not worth \$1 per page, because it is not worth \$1 to set up by hand.

Mr. DOTY: You are mistaken about that. I have set type by hand myself. I do happen to know it is worth more than \$1 per page to set by hand and the pages of these debates are larger than the pages I have in mind.

Mr. STILWELL: A very little bit larger.

Mr. DOTY: It is not worth \$1 per page to set it by hand, I understood you to say?

Mr. STILWELL: Not a dollar more.

Mr. DOTY: Your first proposition was that it was not worth \$1 per page. I do not pretend to say what it is worth, but it strikes me if the ordinary page we are getting is \$2.50 the extra tabular work is more.

Mr. LAMPSON: Is not the usual rule for tabular work fifty per cent more?

Mr. DOTY: From fifty to one hundred per cent, according to how many columns or justifications there are, and where there are two justifications on a page it is a price and a half or two prices. That is the union labor rate in Cleveland, if you want to know it.

Mr. CASSIDY: The committee that had this matter in charge overlooked any provision whatever for printing the index.

Mr. STALTER: I would ask the gentleman from Logan [Mr. CASSIDY] if he has examined the record which was kept by the committee on Printing and Publication?

Mr. CASSIDY: I have only got before me the proposition of Mr. Heer and the resolution of this Convention. I am not governed by any record of the committee on Printing and Publication.

Mr. LAMPSON: This is the price per page for twenty-five hundred copies?

Mr. CASSIDY: yes;

Mr. STALTER: Is the gentleman aware that the Printing committee received bids and kept a record of the bids they received, and does he know what the bids were?

Motions and Resolutions.

Mr. CASSIDY: Yes; I have the bid in my possession and I have examined it. It does not include any price for printing the index. If you want the index to those volumes, some provision must be made for printing it.

The PRESIDENT PRO TEM: The question is on the suspension of the rules.

Mr. LAMPSON: Have you made any estimate as to how many pages of index there will be?

Mr. CASSIDY: No; that will depend considerably on the work we do.

The yeas and nays were regularly demanded; taken, and resulted—yeas 75, nays 20, as follows:

Those who voted in the affirmative are:

| | | |
|-----------------|--------------------|------------------|
| Antrim, | Hahn, | Norris, |
| Baum, | Halenkamp, | Nye, |
| Beatty, Morrow, | Halfhill, | Okey, |
| Beyer, | Harris, Ashtabula, | Peck, |
| Bowdle, | Harter, Huron, | Peters, |
| Brown, Lucas, | Harter, Stark, | Pierce, |
| Cassidy, | Henderson, | Read, |
| Cody, | Hoffman, | Redington, |
| Collett, | Hoskins, | Riley, |
| Colton, | Hursh, | Rockel, |
| Cordes, | Kehoe, | Roehm, |
| Crosser, | Kerr, | Shaw, |
| Cunningham, | King, | Smith, Geauga, |
| Davio, | Knight, | Smith, Hamilton, |
| DeFrees, | Lambert, | Solether, |
| Doty, | Lampson, | Stamm, |
| Dunlap, | Leete, | Stevens, |
| Dwyer, | Leslie, | Stewart, |
| Earnhart, | Longstreth, | Stokes, |
| Elson, | Ludey, | Tannehill, |
| Fackler, | Marshall, | Thomas, |
| Farrell, | Mauck, | Ulmer, |
| FitzSimons, | McClelland, | Wagner, |
| Fluke, | Miller, Crawford, | Walker, |
| Fox, | Moore, | Woods. |

Those who voted in the negative are:

| | | |
|---------------|--------------------|------------|
| Beatty, Wood, | Holtz, | Stilwell, |
| Brown, Pike, | Johnson, Williams, | Tarant, |
| Crites, | Kunkel, | Tetlow, |
| Donahey, | Malin, | Watson, |
| Dunn, | Pettit, | Weybrecht, |
| Evans, | Rorick, | Wise. |
| Harbarger, | Stalter, | |

So the motion to suspend the rules was carried.

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

Mr. DAVIO: I would like to move to refer that motion to the Printing committee.

Mr. LAMPSON: The Convention has just ordered consideration of this resolution under the suspension of the rules.

Mr. DAVIO: I think the motion to refer is in order.

Mr. DOTY: There is no question but that the motion to refer is in order, but I hope it will not be carried.

Mr. CASSIDY: As chairman of the Claims committee I have no further interest than to write the contract according to the resolution passed by this Convention, but this contract has been held up for two weeks waiting for opportunity to get authority given us to sign the contract, and a postponement of this matter means further delay in the printing. If you want it, all right. It is only delaying the matter out of all reason.

Mr. DAVIO: Some of the committee and I also understood that this contract included everything, and I voted thinking that way. I don't think it would have been acted on if the Printing committee hadn't had that idea.

Mr. DOTY: I think it is evident from the address of my colleague that his motion ought not to prevail. He indicates, after we voted 75 to 25, that he doesn't want the Convention to consider the resolution, but wants to get it into the Printing committee and keep it there.

Mr. DAVIO: That is not so.

Mr. ANTRIM: I am not a very good guesser, but I don't think the number of pages will exceed fifty and the additional expense will not be over \$50. The Convention is costing \$200,000, and every hour we spend is costing the state of Ohio two or three hundred dollars. Is it right that we should stand here debating this when this matter we are discussing only means an outlay of \$50? I think we should pass the resolution and go on to something more important.

The motion to refer was lost.

The PRESIDENT PRO TEM: The question is on the adoption of the resolution of the delegate from Logan, and the yeas and nays being regularly demanded the secretary will call the roll.

The yeas and nays were taken, and resulted—yeas 71, nays 23, as follows:

Those who voted in the affirmative are:

| | | |
|-----------------|--------------------|------------------|
| Antrim, | Harris, Ashtabula, | Norris, |
| Baum, | Harris, Hamilton, | Nye, |
| Beatty, Morrow, | Harter, Huron, | Okey, |
| Beyer, | Harter, Stark, | Partington, |
| Brown, Lucas, | Henderson, | Peck, |
| Cassidy, | Hoffman, | Peters, |
| Cody, | Holtz, | Pettit, |
| Collett, | Hoskins, | Pierce, |
| Colton, | Hursh, | Read, |
| Crites, | Johnson, Williams, | Redington, |
| Crosser, | Kehoe, | Riley, |
| Cunningham, | Kerr, | Rockel, |
| Doty, | King, | Roehm, |
| Dunlap, | Knight, | Shaw, |
| Dwyer, | Lampson, | Smith, Hamilton, |
| Earnhart, | Leete, | Solether, |
| Elson, | Leslie, | Stevens, |
| Fackler, | Longstreth, | Stewart, |
| FitzSimons, | Ludey, | Stokes, |
| Fluke, | Marshall, | Tannehill, |
| Fox, | Mauck, | Thomas, |
| Hahn, | McClelland, | Ulmer, |
| Halenkamp, | Miller, Crawford, | Woods. |
| Halfhill, | Moore, | |

Those who voted in the negative are:

| | | |
|---------------|------------|------------|
| Beatty, Wood, | Farrell, | Taggart, |
| Bowdle, | Harbarger, | Tetlow, |
| Brown, Pike, | Kunkel, | Wagner, |
| Davio, | Malin, | Walker, |
| DeFrees, | Rorick, | Watson, |
| Donahey, | Stalter, | Weybrecht, |
| Dunn, | Stamm, | Wise. |
| Evans, | Stilwell, | |

The resolution was adopted.

The president here resumed the chair.

The PRESIDENT: Motions and resolutions are in order.

Mr. DOTY: I move that the secretary be instructed in making up the calendar tomorrow to place Proposal No. 304 by Mr. Halfhill, No. 272 by Mr. FitzSimons and

Motions and Resolutions.

No. 170 by Judge Worthington, when reported, upon tomorrow's calendar right after Proposal 261.

Mr. STILWELL: Proposal No. 170?

Mr. DOTY: Yes, when reported. I will report it tonight.

Mr. STILWELL: I object.

Mr. DOTY: I will withdraw the motion then—no, I won't. I will make it anyhow, but make it a little differently. This is the situation. There are three or four labor proposals that are at the head of the calendar. I desire to place next after the consideration of the labor program the proposal by Mr. Halfhill, No. 304, which, provides for at least one judge of the common pleas court in each county, and after that Proposal No. 272 by Mr. FitzSimons, the home rule for municipalities, and then Proposal No. 170 by Judge Worthington, which will be reported tonight, and I desire to place them upon the calendar in such place that they will come as soon as the labor program is out of the way.

Mr. WOODS: What is the object of doing this?

Mr. DOTY: I have stated it, but I will state it again. The calendar as it stands has the labor program at the top. Next in importance is the Proposal No. 304, by Mr. Halfhill, and then the so-called home rule proposal by Mr. FitzSimons, No. 272, and then No. 170, by Judge Worthington. My desire is to bring the attention of the Convention to the matter so the important things may be placed as near the head of our work as is possible. It is a matter of the utmost indifference to me.

Mr. WOODS: Is it not intended that everything on this calendar is to be acted upon?

Mr. DOTY: Yes; so far as I am concerned.

Mr. WOODS: Then what is to be gained by changing the order?

Mr. DOTY: This is to be gained: It is very much wiser to use more time in the discussion of home rule for cities and taxation than some of these proposals here. I am only talking about the time of debate, not the relative importance. Therefore, if we use the time we have—one, two, or five weeks—upon the important matters and leave the remainder of the time to consider the less important matters, it will be much wiser than to use up the time in endless discussion on the small matters, leaving the big ones to the end.

Mr. SMITH, of Hamilton: Don't you consider Proposal No. 309, which deals with the method of amending the constitution, as one of the most important matters we have before us?

Mr. DOTY: Yes, but that comes right close after these.

Mr. SMITH, of Hamilton: You gentlemen have no objections to putting these matters just after that, have you?

Mr. DOTY: Yes, I would; but I wouldn't have any objection to having that moved up after these.

Mr. STOKES: Since these other proposals on the calendar will take such a short time, why not consider them and get them out of the way?

Mr. DOTY: They won't take a short time. They will take a short time if you put the bulk of the time on the important work. That is the way we do in our ordinary business, put the big jobs first and let the little ones come after.

Mr. STOKES: That may be the way you do—

Mr. DOTY: And that is the way you do.

Mr. WOODS: I desire to call the yeas and nays on this proposition.

Mr. TAGGART: Proposal No. 309, which the gentleman from Hamilton [Mr. SMITH] has charge of provides for the method of amending the constitution. It ought to have precedence over almost any other matter before the Convention. It ought not to be sidetracked. It ought not to be put back on the calendar for any other questions. For myself, I am opposed to giving precedence to any other of these matters that have been mentioned. These matters are on the calendar before them and they should stay before them.

Mr. DOTY: I want to change my motion and move to place Nos. 309, 304, 272 and 170 right after No. 261.

Mr. KNIGHT: I want to call attention to the fact that by motion last Thursday No. 309 was ordered to be placed on the calendar immediately after No. 272. Wherever the latter is placed the former goes along with it.

Mr. HARBARGER: I do not think there is any justification for a change in the calendar. It will take just as long at one time to discuss a little question as at another time and there is nothing saved. There must be some ulterior motive behind it. Why should not the calendar go as it is?

Mr. PIERCE: I am opposed to placing the proposals Mr. Doty speaks of ahead of the other proposals. I think every proposal should take its turn and be discussed and disposed of. There was an attempt made some weeks ago to do this same thing and the Convention overwhelmingly voted it down, and I hope they will vote this down. It is not a question of whether these are the most important questions or not. Every proposal should receive attention, and the people who have proposed them should have them discussed as they are reached. I hope the Convention will overwhelmingly vote this proposition down.

Mr. HALFHILL: There is certainly no ulterior purpose and I am satisfied the motion ought to prevail. One reason why it ought to prevail is that Proposal No. 304, which is a proposal relating to the judiciary, is supplemental to Proposal No. 184, which has been acted upon by the Convention. It ought to be gotten out of the way at an early time so that we shall be sure to have those two ready for their proper place. I think there will be scarcely any objection to No. 304. I believe it will take only a very brief time of the Convention to dispose of it.

Mr. WOODS: Will it take any longer to act on No. 304 at the end of the calendar than if you push it up ahead?

Mr. HALFHILL: I presume that is a fair question. It would not take any more time provided you were sure a reasonable amount of time would be given to a proposal of that kind, which affects every county in the state of Ohio and every individual in the state of Ohio. Some proposals possibly do not affect every county and every individual in the state of Ohio to such a full extent, but the proposals relative to municipal government and taxation certainly require consideration and a full extent of fair and free discussion. I believe they require more consideration than some of the other proposals.

Motions and Resolutions—Introduction of Proposals.

We are drawing near the end and we ought not to have some of these very great propositions at the very last; but we should dispose of them first, so that if we have to limit the time of debate we will not do it upon some three or four of the very most important questions that the Convention has yet to consider, and I hope the motion will prevail.

Mr. READ: The members who have spoken in favor of this motion seem to assume that toward the end of the Convention the proposals are not to receive much attention. If that is the case, I am very much opposed to it, and if it is not the case I do not see any necessity for the change. I think we should go according to the calendar. Every man who brings up a proposal of this kind has a right to have that proposal given due attention in this Convention, no matter when it comes up, whether now, today, tomorrow or four weeks from now. Why should we not go according to the calendar, and why make any change or give any preference to one over another?

Mr. STOKES: We may as well look this matter right in the face and right in the eye. Here is an evident undertaking and an evident desire to dispose of two or three or four important matters, as they consider them, and shove all the rest aside by shoving these ahead. There are amendments on this calendar just as important as those they have named that others are undertaking to put at the foot of the calendar. I have an amendment in relation to investment companies that is of equal importance. Why, it has been estimated that the people of Ohio are sold worthless stocks amounting to \$5,000,000 annually, and my proposal will prevent that, should it receive favorable action, and they are wanting to throw it down to the foot of the calendar. Every one who has observed the course of legislation knows that there is always a rush toward the end of every legislative session. It is so in congress, it is so in all legislatures, and I have no doubt it will be more or less so in this Convention, that there will be a great rush and an attempt to do a great amount of work in a very short space of time as the Convention draws near the end, and it would be a shame to have a proposition as important as the one I have referred to be crowded into a discussion of fifteen or twenty minutes or defeated for want of time.

Mr. PETTIT: When I was a boy I went to the mill a number of times. That was before the day of bartering your grist for flour or meal, and when we got there we were numbered in the order in which we arrived and our grist was ground the same way. If I had only two bushels and some man came with twenty or thirty, he didn't get his before mine if I got there first. I think the same rule ought to obtain here. I am opposed to this motion. If I had my way I would want Proposal No. 17 considered before anything else. That affects county officers all over the state. It is just as important as the other matters we have talked about. It is a mere assumption to say that an important matter will be given only half an hour. I say, take them up in regular order and give them proper consideration.

Mr. HARRIS, of Ashtabula: I presume the attention of the Convention is sufficiently called to the intention of this motion. It is clear it is an attempt to discriminate in favor of some proposals against others. That is, it has been suggested that some of the reports

are to come in and they are to be provided for before they come in. If that is just and fair I don't understand justice and fairness.

Mr. ROEHM: I believe the very fact that these are important proposals is the one reason why we should keep them until the last in order to keep the members here.

A yea and nay vote was regularly demanded on the passage of the motion.

The yeas and nays were taken, and resulted—yeas 36, nays 57, as follows:

Those who voted in the affirmative are:

| | | |
|---------------|-------------------|----------------|
| Antrim, | FitzSimons, | Marshall, |
| Baum, | Fox, | Mauck, |
| Beatty, Wood, | Hahn, | Moore, |
| Bowdle, | Halfhill, | Okey, |
| Brown, Pike, | Harris, Hamilton, | Peck, |
| Cassidy, | Harter, Huron, | Redington, |
| Crosser, | Harter, Stark, | Rockel, |
| Davio, | Hoskins, | Stamm, |
| Doty, | Hursh, | Stilwell, |
| Dunlap, | King, | Ulmer, |
| Fackler, | Leete, | Weybrecht, |
| Farrell, | Leslie, | Mr. President. |

Those who voted in the negative are:

| | | |
|--------------------|-------------------|------------------|
| Beatty, Morrow, | Holtz, | Riley, |
| Brown, Lucas, | Kehoe, | Roehm, |
| Collett, | Kerr, | Rorick, |
| Colton, | Knight, | Shaw, |
| Cordes, | Kunkel, | Smith, Hamilton, |
| Crites, | Lambert, | Solether, |
| DeFrees, | Lampson, | Stalter, |
| Donahey, | Longstreth, | Stevens, |
| Dunn, | Ludey, | Stewart, |
| Dwyer, | Malin, | Stokes, |
| Earnhart, | McClelland, | Taggart, |
| Elson, | Miller, Crawford, | Tannehill, |
| Evans, | Norris, | Tetlow, |
| Fluke, | Nye, | Thomas, |
| Halenkamp, | Partington, | Wagner, |
| Harbarger, | Peters, | Walker, |
| Harris, Ashtabula, | Pettit, | Watson, |
| Henderson, | Pierce, | Wise, |
| Hoffman, | Read, | Woods. |

So the motion was lost.

Mr. WATSON: Proposal No. 291 is on the calendar as a special order for 10:30 tomorrow morning. We have amended Proposal No. 17, relating to the terms of county officials and as there seems to be considerable sentiment in the Convention to limit the term of county officials it seems to me Proposal No. 17 should be acted upon before Proposal No. 291. I move that Proposal No. 17 be made a special order for 10:00 o'clock a. m. tomorrow.

Mr. DOTY: I want to call attention to the fact that Proposal No. 291 has not been engrossed. In fact, it is very far from engrossment and it is altogether likely, if you will let the calendar alone, we will get to Proposal No. 17 before we engross No. 291. I hope you will follow the rule.

The motion of the delegate from Guernsey was lost.

Mr. LAMPSON: I demand the regular order.

The PRESIDENT PRO TEM: The next business in order is introduction of proposals. Unless there is objection we will omit the call of the counties and if anyone has a proposal to introduce he can introduce it.

Introduction of Proposals—Reference of Proposals—Reports of Standing Committees.

INTRODUCTION OF PROPOSALS.

The following proposals were introduced and read the first time:

Proposal No. 332.—Mr. Dunlap. To submit an amendment to article IX, section 1, of the constitution.—Relative to who shall perform military duty.

Mr. MAUCK: The proposal is to strike from the clause in the constitution relating to the militia the word "white." We may save time, therefore, by passing it now. I move that the rules be suspended and the proposal be submitted to its second reading.

The motion was lost.

Proposal No. 333.—Mr. Peck. To submit an amendment to article XV, section 10, of the constitution.—Relative to the use of property for display advertising.

The PRESIDENT PRO TEM: The next order of business is reference to committees of proposals introduced on the preceding day.

REFERENCE TO COMMITTEES OF PROPOSALS.

The following proposal was read by its title and referred as follows:

Proposal No. 331.—Mr. Walker. To the committee on Public Works.

The PRESIDENT: The next business is reports from standing committees in their order.

REPORTS OF STANDING COMMITTEES.

Mr. PECK: I submit the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 134—Mr. Halenkamp, having had the same under consideration, reports it back with the following amendment, and recommends its passage when so amended:

Strike out all after line 3 and in lieu thereof insert the following:

"Laws may be passed prescribing rules and regulations, for the conduct of cases and business in the supreme court and other courts of the state, and for the regulations of proceedings in contempt, and the limitation of the power to punish persons adjudged guilty of contempt, and any person charged with contempt, not committed in the presence of the court, shall, upon demand, be granted a trial by jury. Orders of injunction or other orders of a like character or similar effect shall not be made or issued in any case involving the employment of labor or in any controversy between employer and employe."

The report was agreed to. The proposal was ordered to be engrossed and read the second time in its regular order.

On motion of Mr. Peck, the proposal as amended, was ordered printed.

Mr. COLTON: I submit the following report.

The standing committee on Education, to which was referred Proposal No. 329—Mr. Knight, having had the same under consideration, reports it back and recommends its passage.

The report was agreed to. The proposal was ordered to be engrossed and read the second time in its regular order.

Mr. HARRIS, of Ashtabula: I submit the following report:

The standing committee on Legislative and Executive Departments, to which was referred Proposal No. 227—Mr. Harris, of Ashtabula, having had the same under consideration, reports it back without recommendation.

The report was received.

Mr. HARRIS, of Ashtabula: I wish to offer an amendment to that and then I move that it be recommended with the amendment.

The amendment was read as follows:

In line 7, after the word "of" strike out all down to the word "the" in line 9 and insert "March, 1913, also during the month of March, 1921, and each decennial period thereafter."

In line 11, after the word "electors" insert "not members of the general assembly."

In line 21, strike out the words "or in such manner as the general assembly shall direct."

In line 23, strike out "ten years succeeding such apportionment" and insert "remainder of this decennial period and each decennial period thereafter."

In line 44, strike out the words "three-fourths and insert "one-half."

In line 27, strike out the words "three times such" and insert "two and one-half."

In line 44, strike out the words "three fourths of."

In line 52, after the word "appointment" strike out the remaining words of the line and add the words "and the general assembly shall provide by law for publishing said appointments and otherwise carrying into effect the foregoing provisions of this article."

The PRESIDENT: The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HARRIS, of Ashtabula: I move that the proposal be printed as amended.

The PRESIDENT: If there is no objection the proposal will be engrossed and placed on the calendar for second reading.

The motion to engross was carried.

Mr. DOTY: I desire to make a report.

The report was read as follows:

The standing committee on Taxation, to which was referred Proposal No. 170—Mr. Worthington, having the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In the title after "sections" in the first line insert "I."

After line 3 insert:

"Section 1. The levying of taxes by the poll is grievous and oppressive; therefore no poll tax shall ever be levied in this state, nor service required therein, which may be commuted in money or other thing of value."

Reports of Standing Committees.

In line 4 after "revenue" insert "for each year."

In line 5 strike out "and."

In lines 5 and 6 strike out "for each year."

In line 5 after "debt" insert: "the state common school fund of not less than two dollars per capita of the school enumeration and the university fund of not less than seven hundred and fifty thousand dollars to be distributed between the state supported universities as may be provided by law."

In line 6 strike out "and" and insert "or incomes or."

In line 7 after the second "and" insert "also".

In line 24 change "three" to "four."

In line 37 change "appeal" to "repeal."

In lines 43 and 48 change "three" to "four."

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|----------------------|-------------------|
| E. W. DOTY, | GEO. W. HARRIS, |
| H. G. REDINGTON, | WM. P. HELENKAMP, |
| H. K. SMITH, | A. ROSS READ, |
| JOHN C. RORICK, | ROBERT CROSSER, |
| WILLIAM WORTHINGTON, | S. A. HOSKINS |
| SOLOMON JOHNSON. | |

Mr. COLTON: I desire to offer a minority report. The report was read as follows:

The undersigned members of the Taxation committee present the following minority report:

"SECTION 1. The general assembly shall never levy a poll tax.

SECTION 2. Property shall never be so classified as to permit taxes to be levied at different rates for different classes, but all real and personal property, tangible and intangible, shall be taxed by a uniform rule according to its true value in money; but burying grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, personal property to an amount not exceeding two hundred dollars for each individual, and deductions of bona fide debts from credits, may, by general laws, be exempted from taxation; but all laws providing for such exemptions shall be subject to alteration or repeal.

SECTION 3. All property employed in banking, shall always bear a burden of taxation equal to that imposed on the property of individuals.

SECTION 4. The general assembly shall provide for raising revenue, sufficient to defray the expenses of the state, for each year, and also a sufficient sum to pay the interest on the state debt.

SECTION 5. No tax shall be levied, except in pursuance of law; and every law imposing a tax, shall state, distinctly, the object of same, to which only, it shall be applied.

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

SECTION 7. The maximum rate of taxes that may be levied for all purposes shall not in any year exceed ten mills on each dollar of the total value of all property, as listed and assessed for taxation, in any township, city, village, school dis-

trict, or other taxing district. Additional levies, not exceeding in any year a maximum of five mills, for all purposes, on each dollar of the total value of all the property therein, as listed and assessed for taxation, in any taxing district, may be levied when such additional levies are authorized by a majority vote of the electors voting thereon at an election held for such purpose; but in no case shall the combined maximum rate of taxes for all purposes, levied in any year in any township, city, village, school district, or other taxing district exceed fifteen mills on each dollar of the total value of all the property, as listed and assessed for taxation in such district. No county, city, village, school district, township, or other taxing district shall ever create or incur a net indebtedness in excess of one per cent. for county purposes, four per cent. for city or village purposes, one per cent. for school purposes and one per cent. for township or other taxing district purposes, of the total value of all the property, as listed and assessed for taxation in such county, city, village, school district, township, or other taxing district. No indebtedness not payable out of current receipts shall hereafter be created, incurred, refunded, renewed, or extended without at the same time a co-incidental tax being levied, which shall be maintained sufficient to pay principal and interest at maturity..

SECTION 8. Laws may be enacted providing for the taxation of the right to receive or succeed to estates, and such tax may be uniform or it may be so graduated as to tax at a higher rate the right to receive or to succeed to estates of larger value than to estates of smaller value. A portion of each estate not exceeding twenty thousand dollars in value may be exempted from such tax.

SECTION 9. Laws may be enacted providing for the taxation of incomes, which tax may be either uniform or graduated, and either general or confined to incomes derived from investments not directly taxed in this state, but a part of each income not exceeding three thousand dollars in any one year may be exempt from such tax.

SECTION 10. Taxes may be imposed upon the production of coal, oil, gas and other minerals.

SECTION 11. Revenues for the payment of the expenses of the state may be provided by assessment upon the counties, but every such assessment shall be apportioned among all the counties ratably in proportion to the aggregate amount expended during the preceding year in each county by the county and all political subdivisions thereof."

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|-----------------|----------------|
| GEO. H. COLTON, | D. CUNNINGHAM, |
| JAMES M. FLUKE, | HARVEY WATSON, |
| A. V. DONAHEY, | DAVID PIERCE, |
| A. BEYER, | H. M. CRITES, |
| PERCY TETLOW | |

The question being "Shall the minority report be agreed to?"

Mr. Doty moved that further consideration of the proposal be postponed until tomorrow.

The motion was carried.

Resolution Relative to Printing—Welfare of Employees.

Mr. DOTY: I move that Proposal No. 170 be re-printed as it would appear if the majority report were adopted.

The motion was carried.

Mr. DOTY: I move that Proposal No. 170 be re-printed as it would appear if the minority report would be adopted.

The motion was carried.

RESOLUTIONS LAID OVER.

Resolution 103—Mr. Colton:

Resolved, That the committee on Arrangement and Phraseology be authorized to print such of its reports on the various proposals as it may deem necessary before presenting them to the Convention.

Mr. COLTON: That resolution was presented as the result of a motion passed by the members of the committee. It seems to me the Convention can readily see the necessity for doing this thing. Of course none of the proposals can be changed until it is reported to the Convention and the Convention agrees to it, but to facilitate the action of the Convention when the reports are made we thought best that the reports of the committee should be printed and in the hands of the Convention so the Convention could see the changes proposed.

The resolution was adopted.

The SECRETARY: The next thing in order is Resolution No. 105.

Mr. DOTY: Mr. Tallman is not here—

Mr. LAMPSON: I move that that resolution be indefinitely postponed.

The motion was carried.

SECOND READING OF PROPOSALS.

The PRESIDENT PRO TEM: The question now before the Convention is the adoption of Proposal No. 122—Mr. Farrell, which the secretary will read.

The proposal was read the second time.

Mr. FARRELL. Mr. President and Gentlemen of the Convention: Having read several interpretations of "ideal government," the one which made the lasting impression upon me was one which read thus: "An injury done to the meanest subject, is an insult upon the whole constitution."

Evidently the committee having this proposal under consideration was imbued with the spirit of that interpretation. Since this proposal has been on the calendar I have heard some little objection to it, especially with reference to the clause which would permit the legislature to pass minimum wage legislation, and to that clause I intend to direct my remarks exclusively.

Of course we are not here to pass minimum wage laws, but we should so write our constitution that minimum wage legislation will be permissible under it. But no matter how we may try, we cannot avoid discussing the merits or demerits of the principle involved.

I am not in a position today to tell you just how badly such legislation is needed in this commonwealth. I am not a prophet nor the son of a prophet, but I am convinced in my own mind that if an investigation were had it would reveal conditions in some of the industries, par-

ticularly those where women and children are employed within the borders of this state, which would demand legislation of this character. But whether my statement is founded upon fact or not, we are building this constitution for the future as well as for the present, and the great industrial state of Ohio should have some provision in its constitution providing for such legislation. We are all compelled to admit that there is something radically wrong with our present wage system, and there ought to be some regulation by the state of the evils existing.

I have not always been an advocate of a statutory minimum wage. On the contrary, I have been an ardent advocate of the minimum wage established by the trade union and an advocate of the trade union methods of securing the same, viz., through the system of trade agreements, the principle of collective bargaining and the voluntary arbitration of all questions of dispute.

But, gentlemen of the Convention, I have been compelled to change my position on this question in the last few years. When one considers the relentless war that has been waged against the trade union movement in this country, and the war of extermination that is now going on, and, in some instances, meeting with success, in putting some unions out of business, and the general application of "black list", all for no other reason than the piling up of capitalistic profits without any regard for justice in the premises, when we see the attempts making to build up industries on a foundation of wages too low to admit of decent standards of family life, and hours of labor too long to admit of sufficient rest and relaxation for even moderate health, we are driven to the knowledge that it is time that a decent humane effort should be made to remedy this un-American condition.

The appalling state of affairs disclosed by the investigation of the labor conditions in the steel industry of this country seems to me to be sufficiently repulsive to the average man to make him see the necessity of such a provision in our constitution. The recent revolt of the textile workers of Massachusetts against the wage-slave conditions prevalent in that industry when 25,000 men, women and children, without a semblance of an organization, went out on strike against a reduction in their wages, already so low that their condition was next to starvation, must give all thinking men pause.

Gentlemen, in the light of these events and many others too numerous to mention or to encumber the record with, can you vote against this measure of justice? No. You must believe with such writers as Sidney and Beatrice Webb that the state ought to enforce a national minimum of wages which will provide the laborer with "the food, clothing and shelter physiologically necessary, according to national habit and custom, to prevent bodily deterioration." By this means the community would rid itself of the industrial evil called "parasitism," that is, the existence of trades or business in which the wages paid are too low to maintain the workers in industrial efficiency, and to enable them to reproduce and rear a sufficient number to take their places. These industries take from the nation's capital stock of character, intelligence and energy more than they give back, and, therefore, steadily degrade the character and industrial efficiency of the whole people. Hence, as a matter of simple pro-

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tection to the national life, both present and future, this practice ought to be prohibited and all workers ought to be given, through appropriate legal measures, sufficient remuneration to maintain their productive power.

I don't mean to say, nor do I want you to understand me as saying, that if this clause should be inserted in our constitution there should be any wild and rampant era of minimum wage legislation. The greatest thing to my mind to keep wage conditions near a living standard is the light of publicity. To date we have no official method of publicity. Under such a provision the legislative authorities of our state would have ample jurisdiction in the premises. In other words, wouldn't the "shotgun over the door" theory apply here, as was well said in the initiative and referendum debate?

Such a system of legislation has been in operation in the state of Victoria, Australia, since 1896, and in Great Britain since January, 1910. Some form of fixing legal minimum wages is also in operation in the other Australian states and in New Zealand. In Victoria and England the minimum wages are determined by wage boards created for considering the special requirements of the respective industries or trades. No accurate statement can be made as to the effect of this legislation upon wages, and the difference in social and economic conditions renders comparisons of less value. Their experiences, while interesting and important, are not conclusive.

In Victoria, at the instance of either employers or employes or of the minister of labor, the legislature may authorize the creation of a special board, which is empowered to fix a minimum wage for a given trade. Employers and employes are equally represented upon such a board, and a non-partisan chairman is selected by the two parties at interest, or, if they fail to agree, is appointed by the minister of labor. The chairman has a casting vote. "Determinations," as the decisions of the special boards are called, if accepted by the minister of labor, are published in the Government Gazette and become law for that trade; but if the minister of labor considers that a determination may cause injury to the trade, he may suspend it for a period of six months and then send it back to the board for reconsideration. There is also the court of industrial appeals, to which determinations may be referred, and this court has the power to amend or annul a determination. The decision of the court is final, but it may review its own decisions. Moreover, the court of appeals is specifically instructed to consider whether a determination has been or may be injurious to a trade or may limit employment, "and of opinion that it has had or may have such effect, the court shall make such alterations as in its opinion may be necessary to remove such or prevent such effect, and at the same time secure a living wage to employes" (Factory and Shop Act, 1905, No. 1975). The law ignores the possibility of cases in which the maintenance of the trade and the payment of a living wage to the employes may be incompatible. These special boards, although authorized to secure a "living wage," in practice have served rather to formulate common rules for a trade, to bring employes and employers into readjustment of wages and other matters to changing economic conditions. Their flexibility in dealing with complex situations

is obvious. Few appeals have been made from their decisions to the court of industrial appeals. The claim that the system is not considered antagonistic by propertied interests is borne out by a great weight of testimony. On this point Victor Clark, who visited Victoria in 1903 and 1904 as a representative of the United States department of labor, states:

Propertied interests were not opposed to a statutory minimum wage. The better employers rather courted some provision that freed them from the competition of the less scrupulous men of their own class.

He further states that all of the three special boards then in operation were established upon application of employers.

In England the industries in which the system may be applied are named by parliament, but the board of trade may provisionally extend the application of the act to other industries, subject to subsequent continuation of parliament. The wage boards, known as trade boards, are composed of representatives of employers and of workers in equal numbers, elected by their respective organizations, and of other members, including the chairman, appointed by the board of trade. The determinations of these trade boards are made obligatory by an order of the board of trade, but the board of trade may suspend the operation of the order. If the order is suspended the trade board may, after six months, again renew its recommendation, and the board of trade may then issue an obligatory order or further suspend it. Minimum wage orders determined in this manner apply to both men and women, and they may apply universally to the trades, or apply to any special process in the work of the trade, or to any special class of workers in the trade or to any special case.

The act (9 Edward VII, chapter 22) went into effect January 1, 1910, and applied immediately to the trades of wholesale tailoring, box making, lace making and chain making. The act has not been in operation long enough to judge of its ultimate success, but it was adopted after mature consideration by a select committee whose laborious investigations included a field study by Ernest Aves, commissioner of the home office, into the workings of minimum wage regulations both in Australia and New Zealand. In the passage of the bill through parliament it was not made a party or a class measure, and it does not seem to have met any particular opposition from any quarter. In one industry at least it has been gladly accepted by employers, who even contributed money to enable their employes to organize for the purpose of taking advantage of the act.

So much for the old country. Now let us see what is happening right here in our own country. Under the auspices of the National Consumers' League a bill drawn up by Prof. Jno. R. Commons, of the University of Wisconsin, was presented to the legislature of that state last year. It authorized the state industrial commission to fix living wages for all persons in industrial employment. While it did not pass, it had many warm and urgent defenders in each house.

In March, 1911, a bill embodying the wage-board principle and applying only to women and children was introduced in the Minnesota legislature, and at once re-

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ported favorably by the committee having the same in charge, but never came up for final passage. Why, right down here in old conservative Massachusetts, a state where I had the good fortune at one time to reside, the legislature passed a resolution creating a commission to report on the advisability of establishing minimum wage boards with the power to fix the wages of women and minors. That commission reported to the legislature last January favorably a bill authorizing minimum wage boards with power to fix the rate of wages, and in speaking of its necessity the Massachusetts commission had this to say:

The need of it is great, and the possibilities of its successful administration in the compact population and well-established industrial and mercantile employments are promising. The fact that there is a large number of women who must maintain themselves, many of whom are called upon to contribute also to the support of others, and that there is a large army of women upon whose assistance the welfare of their family groups depend in part, presents a social question of great importance. The need of work is so great and the workers so numerous that the employers may dictate their own terms, limited only by their sense of social responsibility and by the restricted competition of other employment opportunities. The constant and ever increasing tide of immigration is an important element in the situation. The wage value of most of the labor of women is not fixed by any other economic law than that of supply and demand. Even with women who have no other assistance the wages may be forced below the minimum cost of living, without provisions for the assurance of health, for unemployment or for old age, and this deficit must inevitably come ultimately as a charge on society.

The proposed legislation is, therefore, recommended for the following reasons:

1. It would promote the general welfare of the state, because it would tend to protect the women workers, and particularly the younger women workers from the economic distress that leads to impaired health and inefficiency.
2. It would bring employers to a realization of their public responsibilities and would result in the best adjustment of the interests of the employment and of the women employes.
3. It would furnish to the women employes a means of obtaining the best minimum wages that are consistent with the ongoing of the industry without recourse to strikes or industrial disturbances. It would be the best means of insuring industrial peace so far as this class of employes is concerned.
4. It would tend to prevent exploitation of helpless women, and, so far as they are concerned, to do away with "sweating" in our industries.
5. It would diminish the parasitic character of some industries and lessen the burden now resting on other employments.
6. It would enable the employers in any occupation to prevent the undercutting of wages by less humane and considerate competitors.

7. It would stimulate employers to develop the capacity and efficiency of the less competent workers in order that the wages might not be incommensurate with the services rendered.

8. It would accordingly tend to induce employers to keep together their trained workers and to avoid so far as possible seasonal fluctuations.

9. It would tend to heal the sense of grievance in employes, who would become in this manner better informed as to the exigencies of their trade, and it would enable them to interpret more intelligently the meaning of the payroll.

10. It would give the public assurance that these industrial abuses have an effective and available remedy.

Bear with me, gentlemen, for a few moments until I read to you from an address on this subject delivered by Rev. Jno. A. Ryan, professor of ethics and economics in the St. Paul Seminary, a Catholic institution in St. Paul, Minnesota. This address was delivered at the annual conference of the National Consumers League held in Milwaukee, in 1910, of which I read in part:

Why should we hesitate to prevent by legislation the hardship, injustice and social waste due to freedom of contract in the matter of wages? Instead of opposing, historical precedent favors the method. Down to the latter part of the eighteenth century wages in commercial and industrial employment has been in most cases fixed either by formal statutes and edicts, by the ordinances of quasi-legal corporations, such as mediaeval guild, or by custom, which was as effective as law, and as little subject to the influences of free contract. Speaking generally we may say that it is the present system and not the method of regulating wages by law that is an innovation. Nor does the legal determination of wages differ in principle from the other industrial legislation that we have already enacted. Every argument for the latter can be urged with at least equal force in favor of the former. In both instances the law is designed to protect one section of the community against exploitation by another section. A wage that will enable the worker to live decently is as important and as necessary as protection to life, limb and vitality in the factory or the safeguarding of his income from the extortion of monopoly. All legislation is ultimately for the benefit of concrete human beings and every law is justified which, without doing injustice to any class, brings a wider measure of justice to some class or classes of the community.

Experience has shown that the injurious results predicted by the opponents of labor legislation and labor organizations have not taken place. There has been no general increase in prices, nor any increase in any case that equaled the increase in wages or the expected increase in other items of the cost of production. In the majority of instances the greater part of the cost has been met by an increased efficiency in the productive process, that is, in labor, in machinery, and in the combination of these two factors.

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Concerning the constitutionality of this legislation the American Economic Review has an article by Prof. A. N. Holcombe, in the March number, which very ably points out the basic legality of the same. From this I read in part:

The doctrines of the judicial review of the exercise of legislative authority owes its present importance in the United States to two circumstances. One is the interpretation placed upon a certain clause of the fourteenth amendment to the federal constitution by the federal supreme court. The other is the manning of our courts with a set of judges whose economic training was received mainly from the so-called classical school of political economists. Since 1868 no person may be deprived of life, liberty or property, without due process of law, as interpreted by the federal courts. There has been much controversy over the meaning of the terms "deprived of liberty" and "property," and this controversy directly concerns the status of the proposal to regulate wages in private employment by law. Is constitutional liberty simply freedom from physical restraint, or does the term mean freedom from control in any manner except in so far as may be necessary to assure a like freedom to others? If the former, a statute regulating wages in private employments will not work a deprivation of liberty since it carries with it no restraint of the body, but merely of the legal capacity to enter into a contract. If the latter, such a statute will work a deprivation of liberty since it will restrict the freedom of the individual employer to buy labor in the cheapest market, and of the individual wage-earner to sell his labor for what it will fetch. Again, is constitutional property simply things of value the possession of which is recognized by law, or does the term include also things of value which may be acquired, provided the individual's legal privileges at the moment are preserved unaltered. If the former, a statute regulating wages will not work a deprivation of property since it will not of itself diminish the quantity of a person's possessions. If the latter, such a statute, by imposing a new limitation upon the privilege of making lawful contracts, may deprive a person of an opportunity to enter into a supposedly advantageous agreement to buy or sell labor. The federal supreme court has interpreted the fundamental law in each of the pair of alternatives in the latter sense. The effect of such judicial interpretation has been to read into the constitution a doctrine that is nowhere expressed therein, namely, the doctrine of freedom of contract. The constitutionality of such legislation depends, therefore, upon the possession by some legislative body of authority to accomplish its enactment. Such authority may be found in the ordinary police power of the state to provide for the common defense and general welfare of its citizens. This power is restricted only by expressed limitations in the state constitutions, by the delegation of certain powers to the federal government and by the requirement that the legis-

lature in its exercise of the police power shall be guided by reason. The prevalent uncertainty concerning the constitutionality of the legal regulations of wages in private employment arises, not from the boldness and vigor of reviewing the reasonableness of legislation under the police power, but from their general acceptance of an economic theory now being discarded by the mass of the people.

The construction of the fourteenth amendment that threatens the capacity of the state legislation to regulate wages in private employment, if they deem it necessary and proper for the protection of the public, is not the work of the American people in 1869, but of the courts in subsequent years. Like all acts of government, constituting government by men and not by law, this novel interpretation of the fundamental law can be undone by a change in the men who interpret it. The principles of laissez faire, having been read into the constitution, can be read out again. There is no essential difference so far as constitutional status is concerned, between the legal regulation of the hours of labor and the legal regulation of wages. The constitutionality of both alike is solely a matter of producing a sufficient evidence showing the necessity and appropriateness of the proposed legislation.

Mr. Bryan in speaking to this Convention recently, if you remember, had this to say:

In the matter of hours of labor, the legislature should be authorized to prescribe what should be regarded as a working day, and the conditions under which longer hours may be compelled.

I submit, a statement emanating from such a student of social conditions, and to my mind embodying the very principle of the minimum wage, is worthy of the serious reflection and consideration of the Convention.

In conclusion, I want to say this as expressing my own convictions on this subject: The right of the worker to be guaranteed a living wage by his state or his government will soon take rank with such axioms as the right of trial by jury, the right to bear arms, the right of petition and the right of speech, and though you may not see the necessity of the adoption of this governmental right to establish a minimum wage, yet such a crisis may arise at any moment. It is my hope and the hope of the workers of Ohio that this principle may receive the sanction of this Convention.

Mr. CRITES: Mr. President and Gentlemen of the Convention: If you will consider Proposal No. 122 very carefully, I am quite sure you will plainly see that no such wording should ever go into our organic law. First, you will note that this proposal is for the sole purpose of limiting the number of hours of labor; second, to establish a minimum wage for the wageworker. Now without any question these two demands in our new constitution would soon be more detrimental to our commonwealth than any article we would have in our organic law. Should we pass this proposal and include the same in our constitution, at any time our legislature would be made up of members that would be controlled by labor unions, drastic laws would be passed at

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once, limiting the number of hours of work for each man, woman and child, and a compulsory law compelling every employer to pay a certain price per hour to every one of his employes. This kind of law would be very unjust to the employer as well as the employe. The employer of our manufacturing plants would be compelled to pay the man that would earn half the wages the same per day that he would for men that would earn full pay. This kind of law would also work a hardship on many of the employes for the reason that employers would only employ men that could earn the employer the most money. All afflicted employes would be idle on the streets, or have to be sent to the county alms house. It would also prohibit piece-work, which is very essential in many of our large industries. A law that would establish a wage scale would be inclined to lower or decrease the earning power of man and to regulate the number of hours would be depriving a man of his liberty, as well as putting a stop to the progressive welfare of our nation.

First, taking the employer's side, he would be compelled to advance the price on his manufactured goods, and all our manufacturing plants that are manufacturing perishable goods would be compelled to close out their business or move to a state which would not have any such arbitrary regulating laws. Short hours would increase the cost of living far beyond what it is today.

Take the employe's side. All good progressive people would be placed in a position where they could not work extra time to add to their present holdings. For instance, a laborer who has a mortgage on his property would be placed in a position where he could not work extra time and be able to pay off his mortgage in the given time as he could if he were to have his liberty.

We are asked the question, Why is the cost of living so high? I will answer, unless we can induce people to stay on the farms and produce the foods, our cost of living will gradually increase from year to year.

Now if we are going to offer any better inducement to labor in factories and city employment than we are paying today, how do you expect laboring people to stay on our farms and grow the necessary foods we must have? I do not think that it is the desire of the members of the Convention to put anything in our constitution that will injure our manufacturing interests in this state as well as benefit a few and work a hardship to others. Let us have a constitution that gives liberty to one and all. I thank you.

Mr. LAMPSON: This is a very important matter and a very interesting one. I do not think we ought to vote on it just yet, but I do not understand that the theory of this proposal is to authorize the legislature to pass laws by which arbitrary minimum wages can be determined upon by a board. I think some board will be authorized by general legislation to investigate each case and determine what is a just, fair and minimum wage in that particular factory or that particular sweatshop, if you please. I think one of the greatest evils in the industrial situation in this country today is what is known as sweatshop work. Women perforce of necessity and of their situation and environment are compelled to labor for wages far below what is necessary to give them a decent living, and in many instances far below what

the trades can well afford to pay. This is a pretty large question and reaches in a good many directions, but I can see, if there were some authority to investigate these cases such as I have suggested—and there are many others like them—and fix a minimum wage, it might work greatly to the advantage of all of the people, laborers as well as the public generally. It will have a tendency to prevent strikes, it will have a tendency to improve the morals of the community.

I don't think we should reach a conclusion hastily without discussion of this important matter, a somewhat new question, perhaps to us in Ohio, without giving it more consideration. I don't think the farmer needs to fear that this is intended to reach out to him. He is dealing with a few individuals. I don't think a proposition of this kind is intended to reach him at all, but there is a class of laborers, where some sort of intervention would be a good thing, not only for the laborers, but for the public generally. So far as I am concerned, I am inclined to favor this proposal.

Mr. DWYER: In the arts and sciences, in intellectual growth, in material wealth, in a knowledge of everything that should lead to individual and national happiness, this is the greatest age in the world's history. The prejudices of the past, in religion, in race, in nationality, are fast passing away. The commingling of all people, of all races and creeds, is bringing us closer together, as members of one great human family.

To me who have lived over eighty years through sunshine and storm, and who have observed its attendant growth and progress up to the present time, there is great cause to rejoice to see this day. The public schools of the United States are silent but potent factors in producing results that will bring us all to a common level. I do not mean by this that all will be equal physically or intellectually, for nature has not so ordained, but you cannot enslave intelligence; you may guide it in a moral way and along the lines of equal justice by appealing to its conscience, but to bend it down by fetters of class cannot be done. I therefore appeal to the men of wealth and power to remember the age in which they are living. You are needed, your ability, energy and wealth are needed, for great enterprises, but keep your ears to the ground to know what is going on around you. We want no Reign of Terror, no French Revolution. We want peace and progress to reign, and you to be potent factors in producing it. We want you to join with us in forcing down the willful waste and voluptuous extravagance of the idle rich, the miscellaneous marriages and the monkey dinners of the parvenues of Newport and other resorts of foolish fashion, which should be looked upon as no better than the underworld of the fallen race. We want no Belshazzar feasts. The handwriting is on the wall, the masses will rule the land, and you will be weighed in the balance. Let it be hoped you will not be found wanting.

Of those to whom much is given much is required. In other words, if the Lord has given physical strength, energy, vigorous intellect, and all the qualities for success in life, he wants you to use them, not bury them in the ground; and out of their use and results not to forget your less favored brother. Therefore, give your employes fair living wages, good sanitary surroundings during hours of labor, protection as far as possible

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against danger, a fair working day. Make his life as pleasant for him as you can consistent with his employment. We want no paupers among those willing to work. Their wages should be sufficient for them to live in reasonable comfort, to raise their children on nourishing food to build up their bodies, to procure sufficiently comfortable clothing for them in attending school, and to make provision for times of sickness and old age.

Perhaps some will say that the subject of employment is a matter of contract between employer and the employe with which the government has nothing to do. This is not so. Under its police powers, its sanitary authority, and the right to see that justice is done, it may regulate employment. The usurer who would like to loan money at exorbitant rates of interest may say that the rates of interest on money should be a matter of private contract with which the government has nothing to do. But government says not so. In the loaning of money the parties are not on an equality. One party needs it and must have it; the other party has it, but is not compelled to part with it. If then there were no law to regulate interest the party who needs the money urgently would be compelled in most cases to pay the usurer's price. Hence, in the interest of the borrower, and to save him from the greed of the loan shark, the law fixes the maximum rate of interest that can be charged.

On this question of private contract let me call attention to a step taken by the English government in reference to Irish landlords some twenty-five years ago. Up to that time the tenant class in Ireland were entirely at the mercy of the landlords. Some landlords would not grant any leases, but would treat their tenants as tenants at will, while perhaps they had occupied the same land for an indefinite period of time; others would grant short leases, but in either case the rents were excessive, and if the tenant improved the land, he not only got nothing for it, but his rent would be raised as a consequence. The conditions became intolerable, but there it was a question of private contract. The government took the bit in its teeth, and passed an act of parliament dealing with the subject by which a commission was appointed to fix the rents between the landlord and the tenants. There was much howling on the part of the landlords about the government's interference with the right of private contract, but the government went on all the same. The commission fixed the rents, in most cases cutting them in two, and the landlords had to submit. The government went still further, and allowed a tenant on leaving land the value of his improvements. And this was not all. It provided that tenants could purchase the lands they occupied by payment for same on the basis of a certain number of years' rental, the money for which the government furnished at a low rate of interest, taking the land as security. The consequence is that today Ireland is enjoying a degree of prosperity greater than it has ever before enjoyed.

England has also an employers' liability law, and is preparing an old-age pension. Germany is working along the same lines.

I say if the government can fix the maximum rate for the use of money, why could it not fix a minimum

rate for the hours of labor? Is there any reason or principle why they should not? One is because a man who is borrowing the money is not on an equality with the man who is lending. He is at a disadvantage. He needs some money and must have it. And if the government didn't fix the rate of interest he would be compelled to pay whatever rate the man who has the money demanded that he should pay, and that would be against the interest of society and against the struggling man. Hence the government says, "No, sir; you can't charge any rates of interest you please. It is not a matter of contract because you are not on an equality." I say the same as to laborers. The working man is not on an equality with the employer. The working man has to labor and he must keep his family from starvation. He must have labor. The other man can say, "I can find plenty of labor; I can get along without you." Then why should not this man who sells his labor be entitled to fair compensation and why should not the government have a right to fix a minimum to be paid him? On the railroads, engineers and conductors and the brakemen, because of their number and because of their organization, fix the rate of wages. They are able to command it. Today there is a strike of engineers threatened all over the country east of the Mississippi and north of the Ohio, because they can not get the wages they think they are entitled to, and the railroads will have to concede. If that is true of organized labor, why should it not be true of the other fellows who have not organized? When you go out you see these poor fellows working at all sorts of labor four and five miles apart; they have no organization. They are out working on their railroad for \$1.25 a day and some for less money than that. Is that fair in this country of ours, with our civilization and with our desire to build up good citizenship, that men should be compelled to work for \$1.25 a day, raise a family and pay house rent? I say it is not just and it is not fair, and if these men were able to have an organization they could have better pay, but they are not able to organize. They are helpless, and the railroad corporations have not the magnanimity to appreciate the helplessness of those men to give them enough to raise their families as American families should be raised. Talk about not being able to fix a minimum rate! Look at England and Ireland. For centuries the people who lived on the land were at the mercy of the landlords. Sometimes they would give them a lease, but generally they were tenants at will, notwithstanding their ancestors had lived on the land before them. If they planted a tree or a shrub they wouldn't dare to cut it down. They were perfectly helpless. What did the English government do? They passed an act of parliament fixing the rent between the landlord and the tenant, and they said to the landlord, "It is not a matter of private contract. These people are not on an equality with you in fixing the rent. You have the land and you can put them off, but we will fix the rent." And the government did. Parliament created a commission to fix the rent and took that matter out of the domain of private contract and in most cases cut the rent down one-half. Not only that, but up to that time if a man made any improvement on the land he couldn't touch it and if he left the land he couldn't take a penny's worth of his improve-

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ment with him. The government went forward and fixed the value of improvements that the tenant made, so when he left the land he got paid for his improvements. Not only that, but it has gone further, and has fixed the valuation on the land. When the tenant desires to buy the land he has lived on he is allowed to buy it and the government has issued bonds and lends the money to the people for this purpose. Now if in monarchical England that can be done and private contract can be set aside and the government step in, why can we not in this country? You may say we are bound down by a written constitution. You may have a written constitution now, but you won't be able to enforce it. You will not be able to control the conduct of the people. It is all moonshine and the sooner the capitalists and manufacturers realize this fact the sooner it will be improved for the benefit of posterity. It is coming some way. It will come peacefully or by revolution. You can not go much farther the way we have been going. If this man who is working on the railroad at \$1.25 a day could appeal to a tribunal appointed by the state to fix these wages that tribunal would say, "You are working ten hours a day, you ought to have \$2." They would not give the same wages to the common laborer as to the skilled mechanics, but they would fix the wages and then let every man, according to the ability and the intelligence God has given him, get more. Some men are worth a good deal more than others. Let the minimum wage be measured by the average man's ability. If we do not do something of that kind we are bound to have trouble. I think any of you can observe how things are going around us. I want to avoid trouble. I want to avoid things coming in the future that will upset the government, and therefore I am in favor of placing the people of this country on a basis that will enable them to live as American citizens should live. I have been for many years an advocate of a minimum rate of wages. For that reason I want to cut out the sweatshops, and this minimum wage will cut them out. They can not get children and girls to work in their sweatshops. Some of you, when you wear a suit of fine broadcloth don't know that it was made in a sweatshop where there were microbes of all kinds and character. You wear it as a fine suit of clothes given to you by your merchant tailor and it may have been made in a microbe-breeding sweatshop.

This does not apply to labor on a farm. You can not do that. It will not apply to domestic service. You cannot regulate that, but it will apply to a class of men I speak of working by the day.

Mr. CRITES: Do you think this wage scale should apply to farmers?

Mr. DWYER: No.

Mr. CRITES: Why not?

Mr. DWYER: I will explain it to you. In farming some days in the week the men on the farm don't do any work. When the weather is bad or when it is raining there is no work. Sometimes they have to work extra hours in cases of emergency. Suppose the wheat is ripe. A great many farmers even work on Sunday when the wheat is ripe and has to be cut. Then a great many of the farmers give their help a half day on Saturday. They get all their pay whether they are working or not, so that this would not apply to farming.

Mr. CRITES: If we passed this proposal what would keep it from applying to farmers as well as to railroads?

Mr. DWYER: The principle is different. On a farm you can not regulate it in that way.

Mr. LAMPSON: Are not the environment and surroundings of farm labor entirely different from the surroundings of the sweatshop and the railroad or any class of labor for large companies?

Mr. DWYER: Yes.

Mr. LAMPSON: And are not the farm laborers independent to hire out as they please?

Mr. RORICK: Isn't every other class too?

Mr. DWYER: I pay farm hands \$25 a month and board and washing. Some days they don't work and their pay goes on. Why should this apply the same to men of that kind as men working on the railroad?

Mr. HOSKINS: You are on this committee that reported this proposal?

Mr. DWYER: Yes.

Mr. HOSKINS: I wish you would tell this Convention, and I want to know for information, why is this necessary, and can not all of these things provided for in this proposal be done under the present constitution? If not, why not? What is there to prevent it? Where is the prohibition from doing these things in the present constitution?

Mr. DWYER: The question may be raised by the courts. It has been raised by the court. We want under the constitution to give power to the legislature to pass such a law.

Mr. HOSKINS: Has not the legislature passed such a law?

Mr. DWYER: No, sir.

Mr. HOSKINS: They regulate the hours of labor?

Mr. DWYER: They do as to public labor.

Mr. HOSKINS: Haven't they regulated the hours of labor in private enterprises?

Mr. DWYER: No, sir; they have fixed ten hours as a day's work. That is considered a day in all kinds of labor, but supposing they would fix a minimum wage, it is a question whether the legislature has the power, and to surely give them that power we want it put in the constitution that they can fix that minimum wage.

Mr. HOSKINS: What provision of the present constitution forbids them doing it?

Mr. DWYER: The power is not granted.

Mr. HOSKINS: No, but is not our constitution a constitution of prohibitions and can not the legislature do whatever it is not prohibited from doing in the constitution?

Mr. DWYER: I want the power given expressly so there will not be any question. You all recognize the necessity.

Mr. HOSKINS: I am agreeing with your speech on the labor question, but we are adopting a constitution and we don't want to adopt more than is necessary. I will ask you if, under this provision you have reported, the legislature would not pass a law fixing the wages upon farm labor and domestic labor about the house and all forms of labor?

Mr. DWYER: There is no way in which you can fix a minimum wage for farm labor. You know enough about farm labor to know it is spasmodic, done by fits

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and starts. In the shops and railroad yards it is a uniform thing all day and all the year round.

Mr. HOSKINS: Could not the legislature under this provision fix a wage scale for all forms of labor?

Mr. DWYER: No; we except some forms of labor.

DELEGATES: No, you don't.

Mr. DWYER: That could be done then.

Mr. HOSKINS: There are no exceptions in this.

Mr. DWYER: I think farm labor and domestic labor should be excepted. I am in favor of that myself. You can not enforce either of these.

Mr. HOSKINS: I wish to ask: Did your committee in its discussion find or conclude that there was anything in the constitution that would forbid the doing of everything provided for in this proposal?

Mr. DWYER: We were of the opinion that possibly the power is now in the legislature to do that, but we wanted to have the power expressly conferred, and my understanding was that we excepted farm labor and domestic labor.

Mr. LAMPSON: Did you investigate the question as to whether that provision in the constitution relating to the passage of laws violating the obligation of contract has any bearing on this proposal?

Mr. DWYER: The courts have been deciding cases. Take that bake-shop case in New York. The supreme court there decided it was a question of private contract about the hours of labor. Our courts are becoming more progressive. They are catching the spirit of the time and they are changing very much to be in accord with public sentiment, and we should enable them to do that and we should put a clause in the constitution that will give the courts an opportunity to more liberally construe these matters than they have done in the past.

A few weeks ago England was shaken from one side to another by the coal miners' strike. That coal strike could have done more than Germany could to cripple England. These strikes are coming, and the only way to control them is to give the government a chance to pass such laws as this.

Mr. HARRIS, of Ashtabula: I understand you to speak of railroad labor, meaning, I suppose, the labor of the section men on the railroad, as being a matter which might be adjusted by a commission.

Mr. DWYER: Yes.

Mr. HARRIS, of Ashtabula: If a commission should undertake to fix a minimum wage for section men on a railroad, what would be the effect on farm help in all that region?

Mr. DWYER: That would have to take care of itself.

Mr. HARRIS, of Ashtabula: I think it would.

Mr. DWYER: Do you believe that a railroad section man, because he is unable to take care of himself and unable to demand better wages, should be compelled to work for \$1.25 a day and try to rear his family as American citizens?

Mr. HARRIS, of Ashtabula: There is no law compelling him to work for the railroad company.

Mr. DWYER: No law except necessity. Necessity is the only law.

Mr. HARRIS, of Ashtabula: Suppose you raise his wages to \$2 a day. What would be the effect on all the other labor?

Mr. DWYER: The same effect as if you would raise wages of other people.

Mr. HARRIS, of Ashtabula: Then that would raise the price of farm labor and you would raise the price of farm produce, and that would have an additional effect on the high cost of living.

Mr. DWYER: Would you rather have that man rear his children not fit to be American citizens, unable to send them to school and be unable to properly care for them or give them nourishing food?

Mr. HARRIS, of Ashtabula: I think the people should have enough to eat, but if you make the price of living so high that he can't buy it, how is he going to get enough to eat?

Mr. DWYER: Why is it the English government was compelled to disregard private contracts in fixing the rent in Ireland between the landlord and tenant?

Mr. HARRIS, of Ashtabula: There were probably peculiar conditions there.

Mr. DWYER: And there are here, and unless you take time by the forelock to prevent these things we are going to have trouble.

Mr. HARRIS, of Ashtabula: Is there anything in this proposal that discriminates between one line of business and another?

Mr. DWYER: No, sir. I believe labor should be classified. Take skilled labor, the average labor and unskilled labor. Carpenters, say their average wage is \$2.50, and now you could fix that as the minimum wage of that class of labor and then they could get more than that according to their ability.

Mr. LAMPSON: I want to ask the gentleman if the legislature two years ago did not pass a law making a minimum wage for common school teachers \$40 per month and was not that law held unconstitutional?

Mr. DWYER: I can not answer that.

Mr. LAMPSON: I am speaking for information. A law was passed fixing a minimum wage for school teachers in the common schools that was \$40 per month.

Mr. DWYER: I regret that I can not answer that question. Now, Mr. President and gentlemen, I regret that I have been compelled to occupy the floor so long, but this is a very important matter. It is a matter to which I have given a good deal of attention through all my life. I have worked in shops, I have worked on the farm and worked at almost everything, and I know about this. I want to say one thing further. When I was a young man working in a shop there were no labor organizations. Every young man and every old man had to make the best of the labor he could find to do. In the town where I worked there were three different concerns of the same character of manufacturing. One of these was operated by a man, a close, narrowminded fellow who was all the time putting down prices so he could undersell his neighbors, and every time he cut down the prices he would cut down the men's wages. The man I worked for could not meet the competition. He would like to have upheld prices. He was liberal, but he was compelled to cut and meet that other fellow who would cut. So it was that the miserable whelp was cutting down and the liberal man had to come down with him.

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to keep in the market. It is not the liberal man who fixes wages; it is the man who desires to cut down all the time.

Now I say this is an important matter for the consideration of every delegate on this floor. If England were compelled to do what she did to prevent revolution, look out here, gentlemen; that is all I have to say. I present the proposal. It is for you to consider, and I say it is fair and just that a minimum wage should be fixed. It injures nobody. It will not be fixed at an extravagant figure, but only at a fair figure, so that a man can live and rear a family as American citizens should be reared.

Mr. STALTER: I move that we recess until 9:30 tomorrow morning.

Mr. LAMPSON: I think it is the desire to adjourn. I don't think the Convention should adjourn yet, though. The motion to recess was lost.

Mr. JOHNSON, of Williams: I am not very well prepared to say what I desire to say on this subject, but the subject is up and I will have to venture a few remarks. It is absolutely foolish to talk about fixing a minimum wage and say it will not apply to all classes of work. As a farmer in this Convention I want it to apply to farmers as well as to anyone else. The farmers do not ask any favors of the Convention. All we want is justice. I know that in countries where they have a minimum wage, it does apply to all industries, and from the best information I can get it is a detriment to the laboring men. I have in mind now a case in which the wages of the day laborer or the laborer working by the week or month were fixed and the capitalists owned all the houses. The wages of the men were raised and the capitalists owning the houses raised the rent to the full extent of the increase of the men's wages, and the government had to build houses for the laboring men. That occurred in South Australia. I know that a majority—if not a majority, a very large minority—of the laboring men in Australia claimed that after that was done they were in worse condition than they were twenty-five years ago. I know that they have an arbitration court in one of the states of Australia and I know a gentleman by the name of Peter Bowling—I know of him, at least—who would not stand by their own arbitration court and who raised a riot and was put into jail. Some of the laboring men's children had to eat bread and drink water for days. I know finally they had to let him out of prison to satisfy the labor party. I have talked with Attorney General Halman, and he said it was right to punish Bowling, but he had let him out of prison as he had been punished enough. There is a great reaction in Australia because of this. Don't think I am opposed to the laboring man. I have been a laboring man all my life. But the way to settle your labor question is to establish socialism or at least co-operation in the different industries. You have to get unselfish first, and then it will work all right. I want to say you will make a mistake if you adopt this proposal. I had some instructions to vote for the original and I see nothing in the original that I am opposed to, but I do not like this amended proposal. I do not like it because I don't think it will do any good. I do not suppose there is any occupation in Ohio or any trade in Ohio where the laboring men receive any more wages

than they do on the farm, but we can not get them there. They won't go on the farm. Give them high wages and yet they are not satisfied. The first thing you know we will have to form a combination of farmers, but I am opposed to all combinations for the purpose of raising prices.

Mr. NORRIS: You speak about having to form a combination of farmers. Don't you find it profitable in hiring farm labor to hire the best men you can find and pay them the best wages—give them a little more than they ask and not cut them down—doesn't it pay to so treat them that when your property is in danger of destruction they will go out and look after it? Don't you find by treating men right you are doing best for yourself?

Mr. JOHNSON, of Williams: I have always said "Go somewhere else and get better wages than I can afford to pay you if you can. If you can get better wages, go and get them." I had a gentleman I could trust, just as you say, and he went off and stayed two months and he was mighty glad to get back.

The theory is that any fool can be a farmer, but I don't subscribe to that. I thought once that I might be a merchant, a lawyer, a doctor or a minister, because I knew it took more brains to run a farm than be either of those.

Mr. NORRIS: Do you think you could have made a preacher of yourself?

Mr. JOHNSON, of Williams: I might have. I was not prepared to talk on this, but I thought I might throw out a few ideas as to why this proposal should not be adopted.

Mr. STAMM: Don't the dumbest farmers sometimes raise the biggest potatoes?

Mr. JOHNSON, of Williams: Not often. I am not opposed to the poor girls in the factories and stores and the poor laboring class getting more wages, and I don't want any farmer to vote against this because he thinks it will hit the farmer. There is no class of men in the world who has been robbed more often and who can stand it better than the American farmer, but he is not opposed to fair wages that the laboring man may enjoy the comforts of life.

Mr. ELSON: It seems to me that the kernel of this proposal is a minimum wage. Whenever I read of or hear contentions between capital and labor, other things being equal, my sympathies are on the side of labor. I think I am willing to vote for this proposal, but I wish to say that I question very much whether it will be effective. The wages of labor have always, as far as I have examined the subject, been regulated by the law of supply and demand. I think that is the general rule with very few exceptions indeed. I am aware that labor unions have a great deal to do with wages. I have been through the anthracite regions of Pennsylvania and have studied that question to some extent, and I am aware that the miners' union has had much to do with fixing the wages, and that the wages of the miners would be very much less than they are now if it had not been for the union, but the union must take into account supply and demand.

Mr. STILWELL: Do you realize that this is an effort upon the part of organized workers of the state to

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assist those who are not able to organize because of the poor conditions under which they labor?

Mr. ELSON: Yes, I think I do, but I question whether they can possibly be effective. Now our friend from Williams [Mr. JOHNSON] says he would welcome the application of this to the farmers, but I suppose he knows he can not possibly apply it to the farmers. That has been mentioned by Judge Dwyer, and I think we can all agree it can not be applied to the farmers because conditions on the farm are so different from conditions in the factories and mines. Now I have said that wages depend on supply and demand, but there is one strange thing in the case of labor that you find nowhere else, and that is that the supplies seem ordinarily to exceed the demand. It is nearly always so. Just why it is, I never could figure out. It is a sociological question and I believe it shows our system is wrong somewhere, and we should try and find out how to right that wrong, but as I have said, I am willing to vote for the proposal although I have not much hope of its efficacy. The reason I want to vote for it is that it leaves the matter almost entirely in the hands of the legislature. The legislature will experiment in the matter and the legislature will be regulated by public opinion. If the legislature makes a mistake public opinion will cause the succeeding legislature to correct the mistake. I do not see where the proposal can do any harm and therefore I am going to vote for it.

Mr. LAMPSON: When I was on the floor before I made some statement about the law fixing a forty-dollars-per-month minimum wage for common school teachers. I am informed that the supreme court held that the teachers could contract for less than \$40.

Mr. STILWELL: That is public employment.

Mr. LAMPSON: Yes.

Mr. STILWELL: But the supreme court recognized the principle of fixing a minimum wage.

Mr. HARRIS, of Hamilton: I regret to say that I cannot support the proposal in its present form. To my mind any attempt to fix a minimum wage for labor is nothing more nor less than a form of economical insanity. To establish by statute a minimum wage means, logically, that you can also establish by statute, in some degree at least, a minimum price for the products of labor, whether those products be food or anything else.

Where neither monopoly nor a combination in restraint of trade is involved, the determining factor in the price of labor, as well as in the products of labor, is "supply and demand"; therefore, to contend that you can establish a minimum wage by statute is to argue that you can lift yourself up by your boot-straps, the latter of which we know to be a physical impossibility. If you were to go to the trouble of investigating the insufficient wage question you would probably find that it is due to the fact that there is no "protective tariff" on labor, whilst there is a "protective tariff" on the products of labor. If you could diminish the supply of labor by cutting off immigration you would solve, to a very large extent, the question of insufficient wages. If the labor unions in their collective capacity are unable to raise the price of labor it is due to the fact that the number of workmen outside of the labor unions is sufficiently large to maintain labor at a lower level than that established by the unions. Nothing you do here, or can

do here, would raise the purchasing value of any "minimum wage" that is proposed to be established by arbitrary statutory laws, because labor enters so largely into the cost of the finished product; therefore, wages, no matter how established, whether by the illogical method of statute or by natural competition, would largely determine the cost of the finished product, excluding, of course, the artificial factor of a protective tariff. The cost of the finished product, whether it be food or anything else produced by labor, would in turn determine the purchasing power of the wage, minimum or otherwise. It is for these reasons that I cannot accept, in any form, the principle of establishing wages by statute. The remainder of the proposal is sound, and although it has been well said by the member from Auglaize, [Mr. HOSKINS] that there is nothing in the present constitution which prevents the other matters in the proposal from being established by the legislature, yet it is possibly wise to show, by a constitutional provision, that these other subjects in the proposal represent the wishes of the majority of the people of Ohio, and by incorporating them as part of our fundamental law we give notice to the legislature that we are in harmony with the sociological principles involved therein. I am very anxious to support the remainder of the proposal, and if the authors will strike out the words "minimum wage," the proposal will receive not merely the united support of this Convention but of the people of Ohio, and the authors will then have accomplished something practical and substantial, whereas, on the other hand, in merely giving the legislature the power to establish a minimum wage we are playing to the galleries and offering to labor a stone where we should give bread, not as charity, but as justice.

Mr. HAHN: Mr. President and Members of the Convention: We live in a civilization that is greater and grander than any other civilization on record. No matter what is said to the contrary, the civilization of ancient Rome and of Babylon did not come near ours. Modern civilization has not only eliminated a great many evils which ancient culture fostered, such as slavery and other forms of immorality, but it has in view entirely different plans and ideals. The great question is, Will our modern civilization continue on the road of progress, will it rise higher and higher or will it go backwards? Will it end in wreck and ruin?

We need not fear Huns and Vandals from Asia to destroy it, nor need we be afraid of wars to lay it waste, nor need we apprehend that political schemes will cause a relapse, but there is one thing of which we must be afraid and that is a revolution that might be brought about by a terrible conflict between capital and labor.

Gentlemen, I am no anarchist; I have never had any sympathy for anarchy. I am no socialist, and I am no propagator of any such ideas. I am merely a student of universal history and of every-day life. First of all I notice that one-half of the human race does not know how the other half lives. Those people that live in quiet rural districts have no idea of the deep agitation that is going on in the large cities. They have no idea of what sentiments there are expressed in the meetings of the laboring classes. They have no idea what a bitterness there is prevalent among the laboring classes when a strike in a large city takes place. Do not deceive yourself

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in thinking that all this is merely something on the surface of modern society and momentary. There is no doubt that if we do not take preventive measures we are drifting toward a revolution that will be greater and bloodier than any revolution mankind has ever seen. I am no alarmist. I express in a calm way my sentiment and my observation, but I think it is not too late to avert disaster. It is still within our power to prevent such a revolution. The day when the workmen should despair, the day when the working classes should give up hope, will be the darkest day in the history of our great country, and that must be prevented at all events and indeed it can be prevented. It is within our power to prevent it. The first step toward the prevention of such a great and fatal conflict between labor and capital was taken in this august assembly a few days ago by the adoption of the initiative and referendum to be submitted to the people of Ohio. It is often said "Our forefathers when they made the constitution of the United States built better than they knew," and I have not the slightest doubt that the time will come when the same judgment will be passed on the members of the Fourth Constitutional Convention in the state of Ohio. The initiative and referendum provision is to prevent unrest and revolutions. The next step for us to take is to give the laboring classes justice. Justice is what they want. They do not want charity nor "welfare work," but they demand justice. By justice to both the employe and capitalist everything can be settled.

Quite a number of proposals embodying demands of the working elements were introduced here. We must not be too hasty. We must examine them and give them full attention. We live in a time different from that of sixty years ago when our constitution was made. Take the constitution of 1851, look it through from beginning to end and you will not find the word "labor" or any provision for labor there. Now, would you, my friends, be willing to let the constitution of Ohio go out into the world without giving proper recognition to free labor, the brightest jewel in civilization? That would be wrong. We must not allow that. Whether it partakes of the legislative character or not, we must have certain regulations relative to labor inserted in our new constitution. Let us treat the labor class as friends, let us show them that we really are their friends and a great deal of the bitterness that is at the present time prevalent among them will vanish at once. The brightest day in the history of the people in the United States will be the day when there will disappear from the hearts of the laboring class the bitterness, hatred, envy, jealousy and animosity that exists now to such a great extent. Let us consider well what we are doing and let us act in the right spirit and let us feel the great responsibility we have for the men who toil.

Mr. STEVENS: I think the Convention has had all the light we can get on this subject and I move the previous question.

The main question was ordered.

The PRESIDENT: The question is on the passage of the proposal.

The yeas and nays were taken, and resulted — yeas 80, nays 13, as follows:

Those who voted in the affirmative are:

| | | |
|-----------------|-------------------|------------------|
| Antrim, | Harbarger, | Read, |
| Beatty, Morrow, | Harter, Huron, | Redington, |
| Beatty, Wood, | Henderson, | Riley, |
| Beyer, | Hoffman, | Rockel, |
| Bowdle, | Hoskins, | Roehm, |
| Brown, Lucas, | Hursh, | Shaw, |
| Cassidy, | Kerr, | Smith, Geauga, |
| Cody, | King, | Smith, Hamilton, |
| Cordes, | Knight, | Solether, |
| Crosser, | Kunkel, | Stalter, |
| Davio, | Lambert, | Stamm, |
| DeFrees, | Lampson, | Stevens, |
| Donahay, | Leete, | Stewart, |
| Doty, | Leslie, | Stilwell, |
| Dunlap, | Longstreth, | Stokes, |
| Dunn, | Marshall, | Taggart, |
| Dwyer, | Mauck, | Tannehill, |
| Earnhart, | McClelland, | Tetlow, |
| Elson, | Miller, Crawford, | Thomas, |
| Fackler, | Moore, | Ulmer, |
| Farrell, | Norris, | Walker, |
| FitzSimons, | Nye, | Watson, |
| Fluke, | Okey, | Winn, |
| Fox, | Partington, | Wise, |
| Hahn, | Peck, | Woods, |
| Halenkamp, | Pettit, | Mr. President. |
| Halfhill, | Pierce, | |

Those who voted in the negative are:

| | | |
|--------------|--------------------|------------|
| Brattain, | Cunningham, | Ludey, |
| Brown, Pike, | Harris, Ashtabula, | Peters, |
| Collett, | Harris, Hamilton, | Rorick, |
| Colton, | Johnson, Williams, | Weybrecht. |
| Crites, | | |

So the proposal passed as follows:

Proposal No. 122 — Mr. Farrell. Relative to employment of women, children and persons engaged in hazardous employment.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal to amend the constitution shall be submitted to the electors to read as follows:

Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage and providing for the comfort, health, safety and general welfare of all employes; and no other provision of the constitution shall impair or limit this power.

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

Mr. LAMPSON: I move that the Convention adjourn until tomorrow morning at 10 o'clock.

The motion was carried.