

# EIGHTY-THIRD DAY

## AFTERNOON SESSION.

MONDAY, August 26, 1912.

The Convention was called to order pursuant to adjournment and opened with prayer by the delegate from Knox county, the Rev. Mr. McClelland.

The journal of the legislative day of June 6 was read and approved.

Mr. LAMPSON: In a minute or two I shall be ready to offer a resolution which the secretary is now preparing.

Mr. DOTY: There is a resolution that it is necessary for us to pass and I would like to offer it at this time to get it out of the way.

The resolution was read as follows:

Resolution No. 163:

*Resolved*, That when the Convention adjourns on August 26, 1912, it be without day.

Mr. DOTY: This is merely to carry out the rule we adopted, and it will require at least a majority to adjourn; and so that we shall not be crowded at the end I offer the resolution at this time to get it out of the way.

Mr. HARRIS, of Ashtabula: There is no objection, provided there is no intention on the part of anyone to bring forward any matter of business and insist on it being acted upon this afternoon. I can conceive of a condition arising which would necessitate and render desirable an adjournment. I do not know that I am putting an interpretation upon it that is entirely warranted, but I do not see the necessity of such a resolution.

Mr. DOTY: I had supposed it was apparent to everybody why such a resolution was necessary. This Convention by special rule has declared that we cannot adjourn without day unless sixty members vote affirmatively on the roll call, and I am trying to get that roll call out of the way now. It seems to me that we all know that this Convention is quite capable of looking out for its own rights.

Mr. HARRIS, of Ashtabula: I was aware of that, but I thought it was a good thing to watch in time. I do not mean to assume that there is anything at all out of line. I supposed that it was the understanding of every member of the Convention that after a little formal discussion we would adjourn. That was my understanding, and from expressions I have heard from members I think it was the general understanding.

Mr. FESS: May I ask the gentleman from Cuyahoga [Mr. DOTY] a question?

Mr. DOTY: Yes.

Mr. FESS: Is it the meaning of your resolution that when we adjourn today we adjourn without day?

Mr. DOTY: Yes.

Mr. FESS: That means that we must keep in session until we are ready to adjourn?

Mr. DOTY: We could recess until tomorrow if it were necessary. That could be determined later. The member from Ashtabula [Mr. HARRIS] has set forth my understanding of what is to be done, but if the Convention desires to do something that will take a week we

can recess from day to day, or we can reconsider and rescind this resolution.

Mr. FESS: I am in favor of the resolution.

The PRESIDENT: The question is on suspending the rules that the resolution may be put on its passage.

The rules were suspended.

The PRESIDENT: Now the question is "Shall the resolution be adopted?"

The yeas and nays were regularly demanded, taken, and resulted—yeas 85, nays none, as follows:

Those who voted in the affirmative are:

Baum,	Harbarger,	Miller, Ottawa,
Beatty, Morrow,	Harris, Ashtabula,	Nye,
Beatty, Wood,	Harter, Huron,	Partington,
Beyer,	Henderson,	Peck,
Brown, Pike,	Hoffman,	Peters,
Cassidy,	Holtz,	Pierce,
Cody,	Hoskins,	Price,
Collett,	Hursh,	Read,
Colton,	Johnson, Madison,	Redington,
Cordes,	Johnson, Williams,	Rockel,
Crosser,	Kehoe,	Roehm,
Davio,	Kerr,	Shaffer,
DeFrees,	King,	Shaw,
Donahey,	Knight,	Smith, Geauga,
Doty,	Kunkel,	Solether,
Dunlap,	Lambert,	Stevens,
Dunn,	Lampson,	Stilwell,
Dwyer,	Leete,	Stokes,
Farnhart,	Leslie,	Taggart,
Eby,	Longstreth,	Tannehill,
Elson,	Ludey,	Tetlow,
Evans,	Malin,	Thomas,
Farnsworth,	Marriott,	Wagner,
Farrell,	Marshall,	Walker,
Fess,	Matthews,	Watson,
FitzSimons,	McClelland,	Winn,
Fox,	Miller, Crawford,	Wise,
Hahn,	Miller, Fairfield,	Mr. President.
Halfhill,		

So the resolution was adopted.

Mr. LAMPSON: I offer a resolution.

The resolution was read as follows:

Resolution No. 164:

*Resolved*, That the president of the Convention is hereby authorized to certify to the next general assembly the following claims for payment:

Mr. LAMPSON: Right at that point the claims in detail would appear. I have three or four hundred of them in my hand and others have come to the office and are in process of being typewritten. I ask the secretary not to read the claims in detail, but that he read the rest of the resolution.

The remaining part of the resolution was read as follows:

That the president is authorized to make such additions to the above list as may be necessary to correct omissions growing out of lack of reports of claims for newspaper advertising.

Mr. LAMPSON: Under authority of the Convention contracts were made with four hundred and ninety-one newspapers to advertise three hundred inches of matter and to circulate the supplements containing the amend-

## Newspaper Advertising of Work of Convention.

ments, together with the explanations—in other words, the address to the people. All but a few of these papers have reported the execution of their contract, but there are a few, perhaps half a dozen or so, that have made no report. Some of the reports have come in today and very likely the remainder will come in within a day or two. A few have neglected to include the supplement. That is the reason why the final paragraph of the resolution is made as it is so that the reports from those which have made these failures can be added. Nothing can be added except where they have contracts which they have executed, and they must prove their execution.

I do not know whether the Convention cares to hear one of these contracts read or not, but as it is very brief and as we have the time, I will read one. Here is one from Fulton county:

WAUSEON, OHIO, July 19, 1912.

The committee on Submission, of the Ohio Constitutional Convention, Herbert S. Bigelow, president, 52 Blymer building, Cincinnati, Ohio:

The Democratic Expositor hereby agrees to accept a contract for publishing the advertising matter of the Constitutional Convention upon the following terms:

Space: Three columns, 20 inches long, once a week for each of five weeks.

Price: Payment for the aggregate of fifteen columns (300 inches) to be \$108.

Date of: In weekly papers the advertisements to be inserted in each of the weeks beginning July 29, August 5, 12, 19 and 26.

In daily papers insertion to be made on five successive Saturdays, viz: August 3, 10, 17, 24 and 31.

Supplements: We will insert in all of the editions containing the second advertisement supplement as authorized by the Convention.

We hereby authorize your Convention committee to order for us one thousand copies of said supplement to be dated August 9, and to carry the name of our paper as follows: The Democratic Expositor.

We understand that the price for these supplements is to be \$6.25 a thousand, express prepaid, and that this price to be paid to the Western Newspaper Union by us, but that the amount paid by us for said supplement shall be added to our bill of \$108 to be paid by the Convention.

We understand that we are at liberty to purchase these supplements elsewhere, or to print them ourselves, and in this event we shall be allowed \$6.25 per thousand, but if we do so we agree to submit proof of same for approval of your committee before publication.

We further agree to terms of payment as provided by resolution of the Convention, viz., that each publisher shall accept his equal, ratable share of whatever funds the Convention may have left, and that the balance due each publisher shall be certified by the Constitutional Convention to the next Ohio legislature for payment, upon the usual proof of publication.

H. D. MEISTER.

As to the supplements, the option was given to the papers to purchase them or to print them themselves in their own offices, and a great many of them printed them themselves. If they purchased them from the Western Newspaper Union they paid for them.

Each newspaper has furnished in duplicate a statement of having executed the contract, the dates when the advertising was published, etc. The total is 491 newspapers and the space aggregates 141,300 inches, one column wide. The total number of supplements is 1,126,544. There are ten or a dozen papers that have not reported as to the supplements. They may have reported the advertisements but neglected to report the supplements, and that is the error we have to correct. The total cost is about \$62,000. We have had it added by the adding machine and as now reported it amounts to \$61,176.18. That is the total of all the advertising and for the circulation of a million or more supplements. The exact number of supplements, as I have said, is 1,126,544. The total cost of all that has been \$61,176.18, to which will be added the corrections for the supplements not reported and the very few papers that have not made reports.

All of these reports are on file in the president's office. The clerk in there worked until two o'clock this morning transcribing and they are in this form.

Now the advertising is the same in all the country papers and in all the city papers. The only difference is in the larger cities, where the charge would be larger, such papers as the Cincinnati Enquirer and the papers of Columbus and Cleveland. The cost does not exceed \$400 for any one of those large papers, even where they have 600,000 circulation. So far as I am concerned, being somewhat familiar with the newspaper business, I am ready to say this amount of advertising has been done for much less than any similar amount was ever done in the state of Ohio.

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

The PRESIDENT: Does the gentleman yield to a question from the gentleman from Allen?

Mr. LAMPSON: Certainly.

Mr. HALFHILL: The details of this matter were in the hands of a special committee?

Mr. LAMPSON: Yes.

Mr. HALFHILL: Who were the members of the special committee?

Mr. LAMPSON: The president, Mr. Stevens and myself.

Mr. HALFHILL: Are you familiar with all the contracts that were made?

Mr. LAMPSON: No, sir; I am not. I am fairly familiar with those applying to the country papers, with here and there an exception growing out of some misunderstanding or failure to get the advertising. There were one or two cases where the advertising failed to reach the paper in time. I only know of one such case, but there may be others.

Mr. HALFHILL: The resolution submitted by Mr. Doty, if I remember correctly, provided that commercial rates might be used.

Mr. LAMPSON: That was used in case of the city papers.

Mr. HALFHILL: What was that rate?

## Newspaper Advertising of Work of Convention.

Mr. LAMPSON: I do not know.

Mr. DOTY: That varied with each paper.

Mr. LAMPSON: It varied according to the circulation of the paper. In one case it was \$1.54 an inch. That was the Cleveland Plain Dealer. I do not carry all of those in my mind, but they are all here. All the contracts with the rates charged are on file. I can only say that I have looked at them only to the extent to satisfy myself that there was not anything exorbitant about them. I was surprised that a great newspaper like the Cincinnati Enquirer should have a bill of less than \$500.

Mr. HALFHILL: Another inquiry: Did the subcommittee approve of the advertising as it went in?

Mr. LAMPSON: The subcommittee individually went over the list of Ohio papers and checked off such papers as it was thought might fairly come within the rule. We were limited by the resolution to five hundred. We reached four hundred and ninety-one.

Mr. HALFHILL: I do not believe you caught my question. I want to know if the subcommittee passed upon and approved the form of the advertisement, the copy?

Mr. LAMPSON: I do not think they did entirely.

Mr. HALFHILL: I call attention to the advertisement in the Cleveland Plain Dealer of August 24, which sets forth how to vote affirmatively on the initiative and referendum and municipal home rule.

Mr. LAMPSON: I do not know that I have seen that. I do not know whether I have or have not. The subcommittee was kept very busy. I found when I answered the inquiries from the various newspapers over the state and the correspondence with the other members that I had very little time for anything else.

Mr. DOTY: There is nothing untrue in that advertisement, is there?

Mr. HALFHILL: But why put it in that way?

Mr. PECK: Do you know that that is official, Mr. Doty?

Mr. DOTY: Yes; it is.

Mr. HALFHILL: If the gentleman from Ashtabula [Mr. LAMPSON] is through with his remarks I want to say a few words.

Mr. LAMPSON: I want to make as complete a statement as I can. If any gentleman desires to ask a question I am at his service.

Mr. HALFHILL: Will you yield until I can state a matter of personal privilege?

Mr. LAMPSON: You can bring that up later if it is a matter of personal privilege. I don't know anything about it but the report should go in first.

The PRESIDENT: The member does not now yield.

Mr. LAMPSON: I do not yield until I see whether other members desire to ask questions.

Mr. MILLER, of Crawford: Was the same matter published in the daily and in the weekly paper and was it paid for at the same price?

Mr. LAMPSON: Every country paper was paid \$108. We found it impracticable to discriminate. We got a great deal more than our money's worth in some papers and less in some others, but that is true in all legal advertising. Every lawyer who has legal advertising to do knows that he often gives an advertisement to some little paper that circulates only in a township

or two, but the legal rate is the same as if it were published in a paper of much wider circulation.

Mr. KING: Was the copy of the advertising matter furnished the different papers prepared by the committee and was it the same in every paper, or was there a difference?

Mr. LAMPSON: As far as I know it was the same. In my part of the state it was the same.

Mr. KING: And is the bill presented from the newspapers of Ohio for advertising that copy?

Mr. LAMPSON: Yes, for advertising that copy.

Mr. KING: Does it have anything to do with this matter that the gentleman brought up?

Mr. LAMPSON: I don't think so.

Mr. KING: I understood that the resolution of the Convention near the closing day prescribed the form of the advertising explicitly.

Mr. LAMPSON: Yes, sir. For instance the form of the ballot was the same and the address was the same everywhere. As a matter of fact these papers circulated this address without any specific compensation at all. The price of \$6.25 per thousand copies was not expected to any more than cover the fair cost of printing, and if the paper printed them itself and it had a circulation of only two or three thousand it wouldn't pay for setting up the type. This \$108 in a general way was supposed to include that service, although no specific rate was made for it. Now are there any other questions? Anyone can see the contracts and the reports in the office if they desire to look at them. You will notice that the bills ran very much the same—\$111, \$109, \$108, \$118, \$116, \$111. They varied only according to the number of supplements circulated until you get down to the large city papers. If there are no other questions, I move that the rules be suspended and that we vote on the adoption of this resolution.

The rules were suspended.

Mr. HALFHILL: Now I desire to ask a few questions.

The PRESIDENT: Does the gentleman yield?

Mr. LAMPSON: Yes.

The PRESIDENT: The member yields.

Mr. HALFHILL: Your resolution is very much in blank form at the end. Does it contemplate giving authority to the president to add anything to that except newspaper contracts?

Mr. LAMPSON: Nothing whatever other than newspaper contracts that have been filled, but which have not yet reached the president's office. There are only a few of those. Some came in today and twenty or thirty came in last night. Today we have some telegrams from newspapers saying they will forward theirs.

Mr. FESS: I would like to ask whether the resolution that instructed this committee to proceed to get these contracts did not carry with it the authority on the part of the committee to do the work, and whether that committee didn't have Mr. Halfhill upon it, and whether we did not instruct this committee of three to proceed to do the work?

Mr. LAMPSON: The statement is correct.

Mr. FESS: I am in favor of it.

Mr. LAMPSON: I want to say one word farther. The other day a circular which is being circulated in my county and which emanates from Columbus was handed to me. It says that this advertising bill that was pro-

Newspaper Advertising of Work of Convention.

vided for would amount to a half million dollars. That was simply a gross misrepresentation of the truth, a base slander. The fact is, as I have reported already, it reaches all told, including the million supplements, to about \$60,000.

Mr. MILLER, of Crawford: Do you know what the cost of publishing the advertising of the last amendments that were submitted by the legislature amounted to?

Mr. LAMPSON: It was away up in the thousands of dollars. I did know, but I do not carry those things in my mind.

Mr. DOTY: As I recall it, it was \$83,000. There were three or four amendments submitted under the same sort of arrangement. There was no appropriation in advance to pay for it. The secretary of state put the advertising in the newspapers and they had to wait until the legislature made the appropriation. The legislature appropriated the money and paid for it.

Mr. LAMPSON: That is not the one that I had in my mind. The one I was thinking of amounted to a great deal more than that. In the state of New York the advertising bill amounted to a million and a quarter.

Mr. MILLER, of Crawford: I wanted to get the comparison so that we can see that this is a very moderate amount.

Mr. LAMPSON: It certainly is. The secretary informs me that when the three amendments were submitted by the legislature a few years ago the amount was \$91,000.

Mr. DOTY: That is the one I was trying to remember.

Mr. LAMPSON: Referring to what I said a moment ago, the president has just received this telegram, which I will read simply to confirm what I have said in regard to a few of the reports yet out:

Cleveland, O, August 26, 1912.

HERBERT S. BIGELOW,  
Constitutional Convention, Columbus, O.

Your letter of 14th referring to Convention advertising came while I was absent; was mislaid; shown me not five minutes ago. Our bill is \$108 advertising, \$81.25 for 13,000 supplements. Please include it and will send regular bill forms by special delivery at once.

The Catholic Universe,  
A. H. LYON.

Mr. LAMPSON: Here are two more communications that have come by special delivery, and I think we shall have them all by night. The intention of the resolution is to confine this strictly to newspaper advertising. I will read it again:

*Resolved*, That the president of the Convention is hereby authorized to certify to the next general assembly the following claims for payment:

City or Town and County.	Newspaper.	Amount
Aberdeen (Brown)....	The Gretna Green.....	\$111 12
Adamsville (Muskingum).....	The Adamsville Register.....	114 25

City or Town and County.	Newspaper.	Amount
Adelphi (Ross).....	Adelphi Border News.....	115 50
Akron (Summit).....	The Akron Times.....	183 00
	The People.....	117 38
	Akron Germania.....	108 00
Alger (Hardin).....	The Alger Gazette.....	114 00
Alliance (Stark).....	The Review.....	142 37
	The Alliance Leader.....	126 75
Amanda (Fairfield)....	The Amanda Press.....	111 13
Andover (Ashtabula)..	The Andover Citizen.....	115 18
Antwerp (Paulding)...	The Antwerp Bee.....	120 50
Archbold (Fulton)....	Archbold Advocate.....	114 25
Arlington (Hancock)..	The Arlingtonian.....	112 07
Ashville (Pickaway)...	The Ashville Home News.....	114 25
Ashland (Ashland)....	Ashland Press.....	128 62
	Times-Gazette.....	118 93
Ashtabula (Ashtabula).	American Sanomat.....	111 78
	Beacon-Record.....	145 50
	Democratic Standard..	115 50
Athens (Athens).....	The Athens Daily Messenger.....	126 75
	The Morning Journal..	116 13
	The Athens Daily Tribune.....	126 75
Bainbridge (Ross)....	The Bainbridge Observer.....	114 25
Barberton (Summit)..	The Barberton News...	120 50
	The Barberton Telegram.....	116 75
	The Barberton Leader..	114 25
Baltic (Tuscarawas)...	The Baltic American...	114 25
Barnesville (Belmont).	Barnesville Enterprise..	123 62
Batavia (Clermont)...	Clermont County Democrat.....	114 25
	The Clermont Courier..	117 38
	The Clermont Sun.....	120 50
Bellaire (Belmont)....	The Democrat.....	120 82
	Daily Herald-Tribune..	114 25
Belle Center (Logan)..	The Herald-Voice.....	115 50
Bellefontaine (Logan).	The Index-Republican..	123 62
	The Daily Examiner...	123 63
Bellville (Richland)...	Bellville Messenger....	117 37
Berea (Cuyahoga)....	The Berea Enterprise..	117 38
Bethel (Clermont)....	The Bethel Journal....	113 00
Blanchester (Clinton).	The Star-Republican...	114 25
Bluffton (Allen).....	The Bluffton News....	120 50
Botkins (Shelby).....	The Botkins Herald....	114 25
Bowling Green (Wood)	The Daily Sentinel-Tribune.....	120 50
	The Wood County Democrat.....	126 75
Bradford (Darke and Miami).....	The Morning Sentinel..	114 25
Bryan (Williams)....	The Bryan Democrat..	120 50
	The Bryan Press.....	116 13
Bucyrus (Crawford)..	The Bucyrus Evening Telegraph.....	120 50
	Bucyrus Courier (German).....	109 00
	The Daily Forum.....	117 70
Burton (Geauga).....	The Geauga Leader....	114 25
Butler (Richland)....	The Butler Times.....	115 50
Byesville (Guernsey)..	The Daily Enterprise..	111 13
Cadiz (Harrison).....	The Cadiz Republican..	126 12
	The Cadiz Democrat-Sentinel.....	118 34
Caldwell (Noble).....	The Caldwell Press....	113 62
	Noble County Leader..	123 63
	Republican Journal....	114 25
Cambridge (Guernsey).	The Guernsey Times...	120 50
	Jeffersonian.....	139 25
Canal Dover (Tuscarawas).....	Daily Reporter.....	128 00

Newspaper Advertising of Work of Convention.

City or Town and County.	Newspaper.	Amount	City or Town and County.	Newspaper.	Amount
Canal Fulton (Stark)..	Canal Fulton Signal...	114 25		Magyarok Vasarnapja (Hungarian Sunday)	117 38
Canal Winchester (Franklin) .....	*The Buckeye News....	124 88		Die Neue Heimat (New Home—German) .....	108 00
Canfield (Mahoning)..	The Mahoning Dispatch .....	120 50	Clyde (Sandusky).....	The Clyde Enterprise..	116 12
Canton (Stark).....	The Ohio Volks-Zeitung .....	108 00		Clyde Reporter.....	115 49
	The News Democrat...	172 54	Coldwater (Mercer)...	The Coldwater Chronicle .....	119 13
	The Evening Repository .....	208 00	College Corner (Preble and Butler) .....	College Corner News..	112 66
Cardington (Morrow) .	The Morrow County Independent .....	120 50	Columbus (Franklin)..	The Catholic Columbian .....	201 75
Carrollton (Carroll)...	The Carroll Chronicle..	116 90		Express & Westbote...	109 50
	Free Press-Standard...	121 43		The Ohio State Journal .....	336 00
Cedarville (Greene)...	The Cedarville Herald..	113 00		The Columbus Dispatch .....	336 00
Celina (Mercer).....	The Celina Democrat..	117 38	Columbus Grove (Putnam) .....	Putnam County Vidette	114 25
	Der Mercer County Bote .....	108 92	Conneaut (Ashtabula) .	Conneaut News-Herald.	123 63
	Mercer County Observer .....	115 50	Continental (Putnam) .	The Union-News.....	118 00
	The Daily Standard....	114 25	Coshocton (Coshocton)	The Times .....	118 78
Chardon (Geauga).....	The Geauga County Record .....	114 46		The Coshocton Daily Age .....	126 75
	The Geauga Republican	118 00		Coshocton Morning Tribune .....	129 88
Chicago Junction (Huron) .....	The Chicago Times....	119 25		Coshocton Wochenblatt	108 45
Chillicothe (Ross).....	Unsere Zeit .....	109 00	Crestline (Crawford)..	Crestline Advocate....	123 41
	The Scioto Gazette....	123 63	Crooksville (Perry)...	The Crooksville Advance .....	114 25
	Chillicothe News-Advertiser .....	122 38	Cumberland (Guernsey)	The Cumberland Echo..	113 63
Cincinnati (Hamilton) .	Cincinnati Volksblatt..	110 50	Custar (Wood) ).....	The Custar News.....	111 13
	L'Imperziale .....	139 25	Dalton (Wayne) .....	The Dalton Gazette....	114 25
	The Enquirer .....	432 00	Danville (Knox) .....	The Tri-County Leader	112 38
	The Commercial Tribune .....	420 00	Dayton (Montgomery) .	Knox County Herald..	111 00
	†The Avondale Journal.	123 62		Dayton Herald.....	239 25
	The Daily Freie Presse.	201 25		Dayton Daily News....	296 30
	The South-West.....	126 75		Dayton Journal.....	270 30
Circleville (Pickaway) .	Circleville Democrat & Watchman .....	115 50	Defiance (Defiance) ...	Daytonor Volks Zeitung	109 07
	The Circleville Herald.	123 00		Daily Crescent-News...	118 63
	The Daily Union-Herald .....	114 25	DeGraff (Logan).....	The Express .....	114 25
Clarington (Monroe)..	Clarington Independent	117 38	Delaware (Delaware)..	Der Defiance Herald...	109 14
Cleveland (Cuyahoga) .	The German Press & Plate Co.....	283 00		The DeGraff Journal...	114 25
	The Cleveland Daily News .....	462 00		Delaware Daily Gazette	119 25
	The Cleveland Leader..	546 00		The Daily Journal Herald .....	114 25
	The Cleveland Plain Dealer .....	588 00	Delphos (Allen and Van Wert) .....	The Delphos Daily Herald .....	115 50
	The Waechter und Anzeiger .....	294 00		Delta Atlas .....	121 13
	La Voce Del Popolo Italiano .....	139 25	Delta (Fulton) .....	The Daily Paragraph..	118 00
	The Echo (German)...	108 00	Dennison (Tuscarawas)	The Deshler Flag.....	118 63
	The Catholic Universe.	189 25	Deshler (Henry) .....	The Dresden Transcript .....	115 50
	Svet Printing & Publishing Co.....	226 75	Dresden (Muskingum)		
	Polonia W Ameryce...	183 00	East Liverpool (Columbiana) .....	The Potters' Herald...	120 50
	Narodoweic .....	114 25		The Evening Review..	139 25
	The Cleveland Citizen.	145 50	East Palestine (Columbiana) .....	The Morning Tribune..	145 50
	The American (Bohemian Daily) .....	164 25	Eaton (Preble) .....	The Reveille Echo....	117 38
	The Jewish Independent .....	145 50	Edgerton (Williams)..	The Eaton Herald....	121 13
	Clevelandska Amerika.	126 75	Edon Williams).....	The Eaton Register...	117 38
			Elmore (Ottawa) .....	The Eaton Democrat...	117 38
			Elmwood Place (Hamilton) .....	The Edgerton Earth...	115 81
				Edon Commercial.....	111 30
				Elmore Tribune .....	113 63
				The Blade .....	123 62

\* This advertising and distribution of supplements was done jointly by this paper, The Times of Canal Winchester and The News Gazette of Reynoldsburg.

† This was a joint contract which includes circulation of supplements by The Price Hill Western Star and The Westwood Journal.

## Newspaper Advertising of Work of Convention.

City or Town and County.	Newspaper.	Amount	City or Town and County.	Newspaper.	Amount
Elyria (Lorain) . . . .	The Evening Telegram.	139 25	Jackson (Jackson) . . . .	Jackson Standard-Journal . . . . .	117 38
	The Daily Chronicle..	131 72	Jamestown (Greene)..	Greene County Journal.	117 37
	The Elyria Democrat..	117 38	Jefferson (Ashtabula)..	Jefferson Gazette and Sentinel . . . . .	126 75
Fayette (Fulton) . . . .	Fayette Review . . . . .	114 25	Jeffersonville (Fayette)	The Jeffersonville Citizen . . . . .	113 20
Findlay (Hancock) . . .	Findlay Courier . . . . .	125 50		The Jewett Sun . . . . .	115 50
	The Morning Republican . . . . .	142 38	Jewett (Harrison) . . . .	The Johnstown Independent . . . . .	119 25
Flushing (Belmont) . . .	The News-Advertiser..	112 06	Johnstown (Licking) . . .	The Kent Courier . . . . .	122 37
Fort Recovery (Mercer)	The Fort Recovery Tribune . . . . .	115 50	Kent (Portage) . . . . .	The Kenton Democrat.	125 50
Fostoria (Seneca) . . . .	The Fostoria Times . . . .	117 38	Kenton (Hardin) . . . . .	The Kenton Republican . . . . .	126 12
	The Fostoria Daily Review . . . . .	116 75	Killbuck (Holmes) . . . .	Killbuck News . . . . .	111 13
Frankfort (Ross) . . . .	Frankfort Sun . . . . .	113 31	Kinsman (Trumbull) . . .	The Courier . . . . .	117 38
Franklin (Warren) . . . .	The Franklin Chronicle	115 50	Lake View (Logan) . . . .	The Tri-County Sun . . . .	113 31
	The Franklin News . . . .	114 25	Lancaster (Fairfield) . . .	Lancaster Daily Gazette . . . . .	120 50
Frazeytsburg (Muskingum)	The Frazeytsburg News.	114 25		Lancaster Daily Eagle.	126 75
Fredericktown (Knox)	Fredericktown Free Press . . . . .	119 63		Fairfield County Democrat . . . . .	122 50
Freeport (Harrison) . . .	The Freeport Press . . . .	118 62	LaRue (Marion) . . . . .	LaRue News . . . . .	113 62
Fremont (Sandusky) . . .	The Fremont Journal . . . .	117 38	Lebanon (Warren) . . . . .	The Western Star . . . . .	129 88
	Fremont Messenger . . . .	134 87		The Lebanon Patriot . . . .	120 50
	Fremont News . . . . .	123 00		The Warren County Times . . . . .	114 25
	Fremont Courier . . . . .	108 60	Leetonia (Columbiana)	Leetonia Reporter . . . . .	114 25
Galion (Crawford) . . . .	Galion Leader . . . . .	120 03	Leipsic (Putnam) . . . . .	The Leipsic Free Press.	126 00
	The Galion Inquirer . . . .	117 38	Lima (Allen) . . . . .	The Republican-Gazette . . . . .	134 56
Gallipolis (Gallia) . . . .	The Gallipolis Bulletin.	117 38		Allen County Republican Gazette . . . . .	129 25
	The Gallipolis Daily Tribune . . . . .	114 25		Der Lima Courier . . . . .	108 00
	The Gallia Times . . . . .	117 38		The Lima Times-Democrat . . . . .	139 25
Garrettsville (Portage) . .	The Garrettsville Journal . . . . .	114 25		The Lima Advertiser . . . .	120 50
Geneva (Ashtabula) . . . .	The Geneva Free Press-Times . . . . .	120 50		Lima Daily News . . . . .	139 25
Georgetown (Brown) . . .	The News Democrat . . . .	126 75	Lisbon (Columbiana) . . .	The Buckeye State . . . . .	120 50
	Georgetown Gazette . . . .	118 63		The Ohio Patriot . . . . .	123 63
Glouster (Athens) . . . .	The Glouster Press . . . .	117 38	Lockland (Hamilton) . . .	The Millcreek Valley News . . . . .	119 25
Greenfield (Highland) . . .	The Greenfield Journal.	118 63		The Democrat-Sentinel	118 63
	The Greenfield Republican . . . . .	118 94	Logan (Hocking) . . . . .	The Logan Republican.	119 25
Greenville (Darke) . . . .	The Greenville Courier.	114 88		The Journal Gazette . . . .	117 38
	The Greenville Democrat . . . . .	115 50	London (Madison) . . . . .	The London Times . . . . .	116 13
	Greenville Daily Tribune . . . . .	117 38		London Enterprise . . . . .	120 50
	Deutsche Umschau . . . .	108 55		Semi-Weekly Madison County Democrat . . . . .	139 25
	The Greenville Daily Advocate . . . . .	120 50	Lorain (Lorain) . . . . .	The Lorain Post . . . . .	108 50
Greenwich (Huron) . . . .	The Greenwich Enterprise . . . . .	112 37		The Lorain Times-Herald . . . . .	133 00
Hamden (Vinton) . . . . .	The Hamden Enterprise . . . . .	114 25		Lorain Daily News . . . . .	133 00
Hamilton (Butler) . . . . .	The Republican . . . . .	153 00	Loudonville (Ashland) . . .	The Loudonville Advocate . . . . .	120 50
	Der Deutsch-Amerikaner . . . . .	108 82		The Loudonville Democrat . . . . .	123 63
	The Butler Co. Press . . . .	120 50	Louisville (Stark) . . . . .	The Louisville Herald . . . .	117 38
	The Hamilton Socialist	120 50	Loveland (Clermont) . . . .	Tri-County Press . . . . .	111 13
	Hamilton Evening Journal . . . . .	154 87	Lynchburg (Highland) . . .	The Lynchburg Record	111 13
Hicksville (Defiance) . . .	The Tribune . . . . .	117 38	McArthur (Vinton) . . . . .	The Republican-Tribune . . . . .	117 38
	The Hicksville News . . . .	116 75		The McArthur Democrat-Enquirer . . . . .	117 38
Hillsboro (Highland) . . .	The Hillsboro Gazette.	120 50	McClure (Henry) . . . . .	The McClure Trio . . . . .	114 25
	The Hillsboro Dispatch . . . . .	123 00	McComb (Hancock) . . . .	The Hancock County Herald . . . . .	114 25
	The News-Herald . . . . .	122 06	McConnelsville (Morgan) . . . . .	The Daily Herald . . . . .	113 00
Hudson (Summit) . . . . .	Hudson Independent . . . .	111 75		Morgan County Democrat . . . . .	126 75
Huntsville (Logan) . . . .	The Huntsville News . . . .	111 13	Magnolia (Stark, Carroll and Tuscarawas)	Sandy Valley Press . . . . .	117 38
Ironton (Lawrence) . . . .	The Ironton News . . . . .	119 25			
	The Register . . . . .	121 75			
	The Irontonian . . . . .	125 19			
Jackson (Jackson) . . . . .	The Semi-Weekly Sun.	117 38			
	The Jackson Herald . . . .	117 38			

Newspaper Advertising of Work of Convention.

City or Town and County.	Newspaper.	Amount	City or Town and County.	Newspaper.	Amount
Manchester (Adams) ..	The Manchester Signal .....	114 25	New Lexington (Perry)	New Lexington Herald .....	114 25
Mansfield (Richland) ..	The Courier .....	108 65		The New Lexington Tribune .....	118 00
	The Mansfield Daily Shield .....	129 25	New Matamoras (Washington) .....	Matamoras Enterprise .....	115 50
Mantua (Portage) .....	The Mansfield News .....	153 63	New Paris (Preble) .....	New Paris Mirror .....	114 85
Marietta (Washington)	The Mantua Review .....	111 13	New Philadelphia (Tuscarawas) .....	The Daily Times .....	128 31
	Marietta Daily Journal .....	127 38	New Richmand (Clermont) .....	Independent News .....	111 75
	The Daily Register-Leader .....	126 75	New Vienna (Clinton)	The Reporter .....	114 25
Marion (Marion) .....	Marietta Daily Times .....	120 50	New Washington (Crawford) .....	New Washington Herald .....	112 38
	The Marion Tribune .....	142 38			
	Deutsche Presse .....	108 60	New Waterford (Columbiana) .....	The New Waterford Magnet .....	119 25
Martin's Ferry (Belmont) .....	The Evening Times .....	129 87		The Niles Independent .....	113 63
	Ohio Valley News .....	123 63		The Niles Daily News .....	116 75
Marysville (Union) .....	The Marysville Republican .....	123 63	Niles (Trumbull) .....		
	The Evening Tribune .....	115 19			
	Union County Journal .....	117 38	North Baltimore (Wood) .....	North Baltimore Times .....	114 25
Massillon (Stark) .....	Evening Independent .....	141 12			
Maumee (Lucas) .....	The Maumee Advance-Era .....	111 75	North Lewisburg (Champaign) .....	North Lewisburg Reporter .....	111 13
Mechanicsburg (Champaign) .....				The Norwalk Reflector .....	120 50
	The Morning Telegram .....	111 44	Norwalk (Huron) .....	The Evening Herald .....	123 63
Medina (Medina) .....	The Medina County Gazette .....	133 00		The Huron County News .....	126 75
Miamisburg (Montgomery) .....			Norwood (Hamilton) .....	*The Norwood Enterprise .....	139 25
Middlefield (Geauga) .....	The Miamisburg News .....	114 88			
Middlepoint (Van Wert)	The Middlefield Times .....	114 25	Oak Harbor (Ottawa) .....	The Ottawa County Exponent .....	119 25
Middleport (Meigs) .....	The Middlepoint News .....	110 50		The Press .....	113 00
Middletown (Butler) .....	The Republican .....	114 25	Oak Hill (Jackson) .....	The Jackson County Press .....	114 25
	The Daily Journal .....	123 62			
	The News-Signal .....	129 87	Oakwood (Paulding) .....	The Northwestern Ohio Independent News .....	113 00
Milford (Clermont) .....	The Valley Enterprise .....	115 81		The Oberlin News .....	114 25
Milford Center (Union)	Milford Center Ohioan .....	114 25	Oberlin (Lorain) .....	The Oberlin Tribune .....	120 50
Millersburg (Holmes) .....	Millersburg Republican .....	117 38		Ohio City Progress .....	113 00
	The Holmes County Farmer .....	123 63	Orrville (Wayne) .....	Orrville Courier Crescent .....	126 75
Monroeville (Huron) .....				The News-Letter .....	111 13
	The Monroeville Spectator .....	111 13	Orwell (Ashtabula) .....	The Osborn Local .....	112 69
Montpelier (Williams) .....	The Montpelier Enterprise .....	115 50	Ottawa (Putnam) .....	Putnam County Democrat .....	109 00
				The Ottawa Gazette .....	114 25
Mt. Blanchard (Hancock) .....	Mt. Blanchard Journal .....	111 75		Putnam County Sentinel .....	123 63
Mt. Gilead (Morrow) .....	The Union Register .....	120 50	Painesville (Lake) .....	The Telegraph Republican .....	124 87
	The Morrow County Republican .....	120 50		The Lake County Weekly Herald .....	114 25
	The Sentinel .....	121 75	Pandora (Putnam) .....	The Pandora Times .....	114 88
Mt. Vernon (Knox) .....	The Daily Republican News .....	119 25	Paulding (Paulding) .....	The Paulding County Times .....	114 25
	Mt. Vernon Democratic Banner .....	120 50		Paulding Democrat .....	115 50
Murray City (Hocking) .....	The Independent .....	114 25		Paulding County Republican .....	117 37
			Pemberville (Wood) .....	Pemberville Leader .....	114 25
Napoleon (Henry) .....	Northwest News .....	123 63	Pioneer (Williams) .....	Tri-State Alliance .....	116 75
	Henry County Signal .....	119 25	Piqua (Miami) .....	Die Miami Post (German) .....	108 50
	Der Deutsche Demokrat .....	108 78		The Piqua Leader Dispatch .....	129 88
Nelsonville (Athens) .....	The Buckeye News .....	118 62		The Piqua Daily Call .....	131 06
	Valley Register .....	117 37	Plain City (Madison) .....	The Plain City Advocate .....	118 31
Nevada (Wyandot) .....	The Nevada News .....	114 25		The Plain City Dealer .....	114 25
Newark (Licking) .....	Newark Express (German) .....	108 53			
	The Newark News .....	141 13			
New Bremen (Auglaize) .....					
	The New Bremen Sun .....	108 67			
New Carlisle (Clark) .....	The New Carlisle Sun .....	113 00			
Newcomerstown (Tuscarawas) .....	Newcomerstown News .....	114 25			

\*This advertising and distribution of supplements was done jointly by this paper and the Norwood Gazette and Norwood Republican.

## Newspaper Advertising of Work of Convention.

City or Town and County.	Newspaper.	Amount	City or Town and County.	Newspaper.	Amount
Pleasant City (Guernsey)	The Pleasant City Recorder	113 31	Sunbury (Delaware)	The Sunbury News	114 56
Pleasantville (Fairfield)	Pleasantville Times	111 13	Swanton (Fulton)	The Swanton Enterprise	109 85
Pomeroy (Meigs)	Tribune-Telegraph	123 63	Thornville (Perry)	The Thornville News	117 38
	The Daily News	114 25	Tiffin (Seneca)	Die Tiffin Presse	108 35
	The Democrat	120 50		The Daily Advertiser	123 62
	The Leader	126 75		Daily Tribune & Herald	122 06
Port Clinton (Ottawa)	Ottawa County News Democrat	114 25		Tiffin Weekly News	114 25
	Ottawa County Herald	117 38	Tippecanoe City (Miami)	The Weekly Herald	112 38
	Ottawa County Zeitung	108 32	Toledo (Lucas)	Die Toledo Express	108 00
	Ottawa County Republican	114 25		Toledo Blade	210 00
Portsmouth (Scioto)	The Portsmouth Daily Blade	158 00	Tontogany (Wood)	Tontogany Times	111 13
	The Portsmouth Daily Times	144 88	Toronto (Jefferson)	Toronto Tribune	114 25
	Portsmouth Correspondent	109 80	Troy (Miami)	The Miami Union	129 88
Prairie Depot (Wood)	The Prairie Depot Observer	112 35		Troy Daily News	119 25
Prospect (Marion)	Prospect Monitor	114 25		Troy Daily Record	118 00
Quaker City (Guernsey)	The Quaker City Independent	114 25		Troy Democrat	115 82
Ravenna (Portage)	The Ravenna Republican	128 63	Urbana (Champaign)	Urbana Daily Citizen	120 50
	Portage County Democrat	117 38		Champaign Democrat	134 55
Ripley (Brown)	The Ripley Bee	117 38	Uhrichsville (Tuscarawas)	Twin City Independent Evening Chronicle	114 25 120 50
Rockford (Mercer)	The Rockford Press	114 75	Upper Sandusky (Wyandot)	The Daily Chief	120 00
Roseville (Muskingum)	Republican Citizen	114 25		Daily Wyandot Union-Republican	120 50
Ross (Butler)	The Graphic	114 25	Utica (Licking)	Utica Herald	123 63
Rushsylvania (Logan)	Rushsylvania Record	111 13	Van Wert (Van Wert)	The Daily Bulletin	117 38
Sabina (Clinton)	Sabina News Record	114 56		Van Wert Republican	120 50
St. Clairsville (Belmont)	The Belmont Chronicle	118 00	Vermilion (Erie)	Van Wert Daily Times	117 38
	St. Clairsville Gazette	117 38	Versailles (Darke)	Vermilion News	115 50
St. Marys (Auglaize)	The Evening Leader	117 38	Wadsworth (Medina)	Versailles Policy	118 63
	The St. Marys Argus	114 00		Wadsworth Banner-Press	119 25
	Die Minster Post	114 00	Wapakoneta (Auglaize)	Daily News	119 25
Salem (Columbiana)	Weekly Bulletin	118 00		Auglaize County Democrat	119 25
	The Salem News	122 06	Warren (Trumbull)	Auglaize Republican	115 50
	The Republican Era	125 50		Warren Tribune	133 00
	Salem Daily Herald	128 00		Warren Daily Chronicle	123 63
Sandusky (Erie)	The Sandusky Star Journal	142 37		Western Reserve Democrat	119 25
	The Sandusky Register	139 25	Washington C. H. (Fayette)	Fayette Advertiser	123 00
	Sandusky Demokrat	108 58		Washington Daily Herald	116 13
Seville (Medina)	The Seville Weekly Times	111 13		Record Republican	129 88
Shelby (Richland)	The Daily Globe	118 00		Ohio State Register	117 75
Sherwood (Defiance)	Sherwood Chronicle	113 00	Wauseon (Fulton)	The Democratic Expositor	114 25
Shiloh (Richland)	The Shiloh Review	114 25		Fulton County Tribune	123 63
Shreve (Wayne)	The Shreve News	114 25		Wauseon Republican	117 37
Sidney (Shelby)	The Sidney Daily News	124 09	Waverly (Pike)	Waverly Democrat	114 25
	The Shelby County Anzeiger	108 40		Waverly News	122 06
	The Sidney Daily Journal	120 50	Waynesfield (Auglaize)	The Chronicle	115 82
Spencerville (Allen)	Spencerville Journal-News	117 38	Waynesville (Warren)	Miami Gazette	113 63
Springfield (Clark)	The Sun	186 13	Wellington (Lorain)	Wellington Enterprise	118 75
	The Tribune	139 25	Wellston (Jackson)	Wellston Transcript	114 25
	The Daily News	179 25		Wellston Telegram	117 38
	The Journal-Adler	108 85		Daily Sentinel	114 25
Steubenville (Jefferson)	The Herald	141 12	West Jefferson (Madison)	West Jefferson News	114 25
	Steubenville Germania	108 75	West Liberty (Logan)	West Liberty Banner	116 50
Stryker (Williams)	The Stryker Advance	112 38	West Mansfield (Logan)	Enterprise	115 50
Sugar Creek (Tuscarawas)	The Weekly Budget	117 38	West Milton (Miami)	West Milton Record	117 38
			West Union (Adams)	Adams County Record	133 00
			West Unity (Williams)	People's Defender	120 50
			Williamsport (Pickaway)	West Unity Reporter	115 50
				The Williamsport News	111 00



Newspaper Advertising of Work of Convention—Report of Secretary.

City or Town and County.	Newspaper.	Amount	City or Town and County.	Newspaper.	Amount
Willoughby (Lake)....	Willoughby Independent .....	113 00	Xenia Republican .....	Xenia Republican .....	123 63
Wilmington (Clinton).	Clinton Republican....	118 00		Xenia Gazette.....	131 75
Woodsfield (Monroe)..	Clinton County Democrat .....	115 50	Yellow Springs (Greene) .....	Yellow Springs News..	114 25
	Wilmington Journal... ..	126 75		Youngstown (Mahoning) .....	Vindicator .....
	Woodville (Sandusky).	Monroe County Republican .....	117 38	Youngstown Telegram..	198 63
Monroe Courier .....		115 50	Youngstown Rundschau .....	109 00	
Sentinel .....		119 25	Zanesville (Muskingum)	Labor Journal.....	114 25
Spirit of Democracy... ..		119 85	Zanesville Post .....	108 40	
Woodville (Sandusky).	Woodville News.....	111 75	Sunday News.....	160 50	
Wooster (Wayne).....	The Wooster Daily Republican .....	126 75	Times Recorder.....	201 75	
	Wayne County Democrat .....	126 75	Zanesville Daily Courier .....	129 88	
	Xenia Herald & Democrat News.....	121 75	Signal Company.....	164 25	
Xenia (Greene).....	Greene County Tribune .....	114 25	Total .....	\$62,891 71	

That the president is authorized to make such additions to the above list as may be necessary to correct omissions growing out of lack of reports of claims for newspaper advertising.

Mr. Lampson moved that the rule be suspended and the resolution be considered at once.

The motion was carried.

The question being "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 83, nays none, as follows:

Those who voted in the affirmative are:

- |                 |                    |                    |
|-----------------|--------------------|--------------------|
| Anderson,       | Halfhill,          | Miller, Crawford,  |
| Baum,           | Harbarger,         | Miller, Fairfield, |
| Beatty, Morrow, | Harris, Ashtabula, | Miller, Ottawa,    |
| Beatty, Wood,   | Harter, Huron,     | Nye,               |
| Beyer,          | Henderson,         | Partington,        |
| Brown, Pike,    | Hoffman,           | Peck,              |
| Cassidy,        | Holtz,             | Peters,            |
| Cody,           | Hoskins,           | Pierce,            |
| Collett,        | Hursh,             | Read,              |
| Colton,         | Johnson, Madison   | Redington,         |
| Cordes,         | Johnson, Williams, | Rockel,            |
| Crosser,        | Kehoe,             | Roehm,             |
| Davio,          | Keller,            | Shaffer,           |
| DeFrees,        | Kerr,              | Shaw,              |
| Donahay,        | King,              | Smith, Geauga,     |
| Doty,           | Knight,            | Solether,          |
| Dunlap,         | Kunkel,            | Stevens,           |
| Dunn,           | Lambert,           | Stilwell,          |
| Dwyer,          | Lampson,           | Stokes,            |
| Earnhart,       | Leete,             | Taggart,           |
| Eby,            | Leslie,            | Tannehill,         |
| Elson,          | Longstreth,        | Thomas,            |
| Evans,          | Ludey,             | Wagner,            |
| Farnsworth,     | Malin,             | Walker,            |
| Farrell,        | Marriott,          | Watson,            |
| Fess,           | Marshall,          | Winn,              |
| Fox,            | Matthews,          | Wise,              |
| Hahn,           | McClelland,        |                    |

The resolution was adopted.

Mr. DOTY: I understand the secretary has the report as to the situation of our work which should be read at this time.

The PRESIDENT: The secretary will now read his report.

The report was read as follows:

FINANCIAL.

There has been kept from the opening of the Convention in the office a carefully itemized record of all expenditures and the duplicate copies of all bills and vouchers. The accounts have been kept in a loose-leaf record book. We are a little proud of it. For the very creditable form in which it appears the Convention is indebted to Miss Julia E. Kersting.

Following is a summary of expenditures to August 26:

Salaries of members.....	\$119,000 00
Mileage of members.....	11,435 74
Salary of secretary.....	1,941 66
Per diem of sergeant-at-arms.....	810 00
Per diem of employes.....	39,663 00
Reporting debates .....	5,000 00
Printing .....	6,743 44
Contingent expenses.....	6,107 25

Total .....

Appropriation .....	\$200,000 00
Balance .....	9,298 91

On June 7, shortly before the adjournment of the Convention to meet again August 26, a resolution was adopted providing for the employment of seven clerks to assist the president and secretary, one clerk for one month to assist the historian and reference librarian, and five other persons for five days "to procure boxes and all necessary material for packing and shipping documents to delegates."

The following work was specifically assigned to the direction of the president and secretary in said resolution:

1. The issuing of pamphlets and documents and the preparation and placing of such advertising matter as the Convention shall authorize.
2. The indexing, proofreading and publication of the journal of the Convention.

## Report of Secretary.

3. The editing, proofreading, indexing and publication of the debates of the Convention.

Promptly after the adjournment of the Convention the secretary had published five thousand copies of the constitution of Ohio with amendments proposed by the Constitutional Convention of 1912, authorized May 31. On June 22, five thousand copies of the Address to the People, in newspaper supplement form, were published for distribution. Three days later fifty thousand additional copies were purchased. This action was made necessary by a demand that came promptly after the adjournment of the Convention from almost every section of the state, for copies of the proposed amendments. Arrangements had not then been completed for the publication of the one hundred and sixty-nine thousand copies of the Address to the People in pamphlet form, and in the judgment of the president and secretary this purchase was warranted by the emergency presented. Later these pamphlets were published and distributed to the members of the Convention and citizens of the state. The first consignment was received from the printer July 16, and the last were delivered at the office of the secretary August 1. To meet insistent demands a second edition of the constitution of Ohio with proposed amendments was published and six thousand copies of the Address to the People in newspaper supplement form were purchased. Altogether there were delivered for distribution:

Address to the People in newspaper supplement form .....	71,000
Address to the People in pamphlet form .....	169,000
Constitution of Ohio with proposed amendments .....	10,000
Total .....	250,000

In addition to this there were purchased and distributed from the president's office 44,400 copies of the Address to the People, raising the total to 294,400 copies. Through the newspapers of Ohio, 1,177,559 copies were distributed, making a grand total of 1,471,959 copies. The work of no previous state convention of Ohio, and perhaps of no previous state constitutional convention in the United States, was so well advertised.

The preparation and placing of the advertising matter was done under the direction of the Committee on Submission and Address to the People and the president. In the office of the latter were let the contracts with the press of the state and advertising was checked up as it appeared in the different newspapers.

The work of indexing and proofreading the journal is under way in the office of the secretary. All but the index is in type and has been proofread. The greater portion of it has been printed. Its practical completion has been prevented by delay in printing.

The editing, proofreading, indexing and publication of the debates have also been retarded by delay in printing. Only about five hundred pages of type have been set to date, and as no forms

have been printed, it has been impossible even to commence the indexing. The editing is well under way and after final adjournment will be pushed to completion with the utmost promptitude consistent with creditable work.

The historian and reference librarian early in July delivered to the office of the secretary photographs and typewritten sketches of the members of the Convention. Since that time, a few photographs have been added, making the collection practically complete. It is the desire of the secretary, without additional expense to the Convention or the state, to arrange and edit this valuable material and supplement it with a brief history of the Constitutional Conventions of Ohio. Its publication may be left to the future.

Since the adjournment of the Convention June 7, the office of the secretary has been open each week day for the distribution of literature, the answering of correspondence and other routine work.

Circular letters and copies of two pamphlets, to which reference has already been made, were sent to all public libraries in the state and to the presidents of county teachers' institutes. Copies of these letters are submitted herewith. Many appreciative responses were received and assurances were given that in a number of these institutes space on programs would be given for the discussion of the work of the Convention. In that work the educational agencies of the state have manifested a lively interest and it is believed that prospects for its approval have not been diminished through intelligent investigation and study.

So much, in a very cursory way, for what has been accomplished to date. Much remains to be done. The index to the journal must be finished. That should not take long. The work on the debates is only fairly begun. Not a line of the index has been written. It is possible that some of the members of this Convention do not fully appreciate all that the work of editing and indexing these debates implies. Michigan paid for the indexing of the journal and debates of her Convention the sum of \$1,950. Your secretary suggested to the committee on Printing and Publication a plan by which the work could be done without extra expense. This seemed to meet the approval of the committee. The details of the plan are not a matter of interest now. Before this Convention adjourned it most generously provided help for the office of the secretary. It is not his purpose to ask a continuance of this generosity. The money that might have gone into the work that remains to be done has already been spent. The limit of the appropriation for this Convention is in sight as is also the very probable contingency of an appeal to the emergency board. For the latter, same provision should be made before final adjournment.

The time is at hand for the practice of that economy to which eloquent tribute was paid on more than one occasion in the proceedings of the Convention.

## Report of Secretary—Advertising Work of Convention.

In view of these considerations the following suggestions are respectfully submitted.

1. A supplemental arrangement should be made with the printer which will insure the printing and binding of the debates not later than December 31, 1912.

2. Although this work does not usually go with the office, the secretary will undertake, without assistance, to index the debates and complete the index of the journal.

3. The continuance of Mr. E. S. Nichols to proofread the debates and assist in completing the editorial work is recommended as not only desirable but necessary.

4. The continuance of Miss Julia Kersting is recommended at her present pay for ten days to assist in work incident to the final adjournment of this Convention.

5. The continuance of Ira I. Morrison to the close of the current month to work on the index of the journal is also recommended.

6. Some provision should probably be made for the care of two rooms for the secretary and his assistant.

7. A sum of money, not to exceed four hundred dollars, might be set aside to employ additional help when it is needed, such help to be employed with the approval of the president and secretary.

It is believed that no argument is needed to show that the assistance here recommended is necessary. If, however, it is thought best to reduce or omit entirely the sum of four hundred dollars for additional help, the secretary will put his hand to the pen and prepare by this ancient method the manuscript for the index to the debates and journal and carry on any incidental correspondence that may come to his office.

Mr. DOTY: It is understood that this communication from the secretary will be a part of the journal, but for fear that it may not be I move that it be made a part of today's journal.

The motion was carried.

Mr. MILLER, of Crawford: Do I understand that these pamphlets were available to others than members?

The SECRETARY: Yes; there has not been any request sent to the office of the secretary that has not been honored. In many instances there was a greater number asked for than we could furnish, but we have always furnished some.

Mr. MILLER, of Crawford: Did the Ohio Bankers Association ask for any pamphlets?

The SECRETARY: Yes.

Mr. MILLER, of Crawford: Were they supplied?

The SECRETARY: Yes. I do not know whether they got as many as they desired, but we supplied them in part.

Mr. MILLER, of Crawford: I would like to read here from a letter from the Ohio Bankers Association. A pamphlet was sent out and some of the members objected to it going out under the stamp of the Ohio Bankers Association, and when I asked if they were sent out by the authority of the Bankers Association I received this letter:

Columbus, Ohio, August 14, 1912.

Hon. GEORGE W. MILLER, President,

The Farmers & Citizens Bank & Savings Co.  
Bucyrus, Ohio.

My Dear Sir:

I beg to acknowledge receipt of your favor of the 13th inst. regarding the pamphlet containing proposed amendments of Ohio's constitution.

These pamphlets were sent out from the association headquarters simply for the purpose of putting the proposed amendments before the bankers of Ohio. We have had so many requests for copies of these amendments that we thought it would be an accommodation if we were to put out something of the kind, and these were the only ones available.

The arguments are not from the association. We have read only a few and while it is my opinion there are several that the Association would approve, there are also some it would not.

I would be pleased to have you advise me if there is anything objectionable in the pamphlet.

Very truly yours,

S. B. RANKIN,  
Secretary.

I simply want to mention this at this time because I think it is due the members of the Ohio Bankers Association that this explanation be made, that the secretary of the association assumed the authority to send out these pamphlets with the stamp of the association.

The SECRETARY: If it is not considered out of order I would supplement my answer to your question, to emphasize the fact that no person has made a request at any time for a copy of these amendments when he has not gotten them. My recollection is that this is the Private Bankers Association.

Mr. MILLER, of Crawford: No; this is the Ohio Bankers Association, including all the banks, national and state.

The SECRETARY: I am certain that many of the bankers of that association have received the pamphlet, and I want to apologize for my somewhat extended report on this ground: There have been so many misstatements in regard to when these addresses to the people were available that I thought they should be corrected. There was one statement that none of them were available until the 19th of July, while my report shows they were available on the 22nd of June.

Mr. HOSKINS: I want the privilege of asking Mr. Miller a question. I did not gather the force of the statement made by Mr. Miller. There was so much confusion. I have examined this letter now and I want to know what excuse the president of the Ohio State Bankers Association gave for putting the stamp of this association upon that so-called argument?

Mr. MILLER, of Crawford: There was no excuse. I wrote repeatedly to the secretary asking whether this pamphlet was sent out by authority of the association, and that letter was the answer. He wanted to know whether there was any objection to it, and I answered but he has not replied. In addition to that I wrote the president of the association asking him if the Ohio Bank-

## Retention of Employes after Adjournment of Convention.

ers Association would bear the odium of putting out such a circular and he has not answered that letter.

Mr. HOSKINS: Then, if I understand this so-called circular it is simply a voluntary act of some fellow who happens to hold the job of secretary of the Ohio Bankers Association?

Mr. MILLER, of Crawford: And that secretary is president of a private bank.

Mr. DOTY: Ah, now we see it!

Mr. HOSKINS: All I want to say is to comment upon that circular and the source from which it seems to come. According to my judgment it is from about the same source from which a good deal of the other literature put out in criticism of the Convention has come. I am glad to have the explanation that the Ohio State Bankers Association, as an association, is not responsible for it, but that the secretary alone is responsible, and that the secretary is the president of a private bank which one of our amendments touches.

Mr. DOTY: I do not suppose we want a history of all the circulars against the Convention, but I want to say a word about a circular that is being prepared. You have not got it yet, but you will get it. It purports to be signed by the Consumers League. The president is a farmer and the vice president is an ice dealer. They had a meeting last week and they are getting out a circular on the Home Rule proposition. That circular is being printed in Cleveland and is paid for by the public service corporations of Ohio. Now I have another resolution that I want to offer.

The resolution was read as follows:

Resolution No. 165:

*Resolved*, That the secretary of the Convention is hereby authorized to continue E. S. Nichols, Ira I. Morrison and Ella M. Scriven in the service of the Convention for the purpose of preparing copy of debates for the printer and proofreading and indexing of journal and debates, at the compensation heretofore paid and until such time as the work described shall be completed; the secretary is authorized to continue the services of Julia E. Kersting until September 10, 1912, at the compensation heretofore paid, and

*Resolved*, That the president of the Convention is hereby authorized to sign vouchers for the payment for the services provided for herein and for the payment of any bills arising by reason of any contract heretofore made by authority of the Convention for printing and publishing journal, debates and pamphlets.

Mr. DOTY: I move that the rules be suspended and that we consider this resolution at once. When the rules are suspended I shall be glad to explain it.

The motion to suspend the rules was carried.

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

Mr. DOTY: I think it is perfectly apparent from the very able and complete report from the secretary that there is a great deal of work in closing up our proceedings and printing our debates, much more in fact than many of you anticipated when we adjourned. It has gone along just about as I thought it would at that time. I do not think the secretary has had more help than he

has needed up to now. Certainly, to complete the preparation and copy for the printer and the indexing the amount of help is small enough. It seems to me we ought to be willing to leave to the secretary of the Convention the time when he will get through. I do not think that anyone can tell now when it will be through. The secretary cannot. Therefore, I think we shall have to trust him to keep these people employed only such time as is necessary. He says he hopes to have the debates completed by the 31st of December. If he does he will be doing very well. I doubt whether he will get them done by that time. But if it can be done those persons named in this resolution can do it. Up to this time the force has been engaged on the advertising work. That is practically over, but there is a great deal more work to do in getting out the debates and the journal.

Mr. KNIGHT: I would like to ask a question. Early in the session it was reported officially from some committee that it was understood that after this Convention adjourned sine die no one could sign any vouchers.

Mr. DOTY: I am glad you mentioned that. The president asked one of the clerks to look that up and that attache has conferred with the auditor and the attorney general upon that very point. The auditor looked the matter up and said he thought he was able to pay our vouchers for the contracts that we have already entered into and the necessary work of completing them. Then he went to the attorney general's office and had a conference with one of the men in the office and they spent some little time over there looking up the matter and they verbally agreed with the auditor that he was right and that they would furnish him at his request at any time a statement to that effect. If they should decide we cannot pay our bills the whole thing stops. If they decide we can pay our bills, we can go on. This resolution, or something similar, should be passed. I am sure you will find the bills will be paid, but if not they will have to stop until the next session of the legislature.

Mr. KNIGHT: I understand then that we have not as a Convention any official reversal of the ruling of the attorney general some months ago, and that the only sure way at the present time is for us not to adjourn sine die until or unless we get such official opinion from the attorney general.

Mr. DOTY: I can see the force of that. It is just according to the chances. In view of what the two chief officers in the departments involved have stated, I think the chances are very small that the vouchers will not be paid.

This is the situation: The law states that we are not allowed to pay for any services or pay for any bills after we adjourn sine die. The publication of the debates was undertaken considerably before the time we shall adjourn sine die and the attorney general holds that any necessary assistance or clerical help to carry out that contract will be paid.

Mr. KNIGHT: I do not oppose the resolution, but I wanted to get an idea whether we were safe, having a written opinion of the attorney general one way and only a verbal opinion the other.

M. DOTY: I think we can get along all right.

Mr. HOSKINS: Who signs the vouchers?

Mr. DOTY: The president. For fear we may have forgotten to give him the authority to sign for the printing, I put it there.

Retention of Employes after Adjournment of Convention—Distribution of Proceedings and Debates.

Mr. HOSKINS: The president is practically the agent for the Convention after the adjournment of the Convention for signing vouchers?

Mr. DOTY: And for that purpose only.

Mr. CROSSER: I offer an amendment.

The amendment was read as follows:

Amend Resolution 165 by substituting the words "Anna L. Bower" for the name "Ira I. Morrison".

Mr. CROSSER: When the resolution was adopted on the seventh day of June I was in favor of Miss Bower being retained. I knew she was a very competent girl. She did her work well here and it occurred to me it is only performing a duty to place her name in the resolution. I have no doubt the other people are competent, but I know this lady is very competent.

Mr. KNIGHT: I wish there were room for two instead of one, but from having followed the work in the last two months, being in the state house frequently, I know the special work that Mr. Morrison has been doing has been on indexing the journal. That work is about half completed. If we swap horses in the middle of the stream it means we have to go back and have all the indexing done over again, and, with the highest respect for the young woman named in the amendment, I am opposed to the amendment.

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

The motion was carried.

The PRESIDENT: The question is "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 84, nays 1, as follows:

Those who voted in the affirmative are:

Anderson,	Halfhill,	Miller, Fairfield,
Baum,	Harbarger,	Miller, Ottawa,
Beatty, Morrow,	Harris, Ashtabula,	Moore,
Beatty, Wood,	Harter, Huron,	Nye,
Beyer,	Henderson,	Okey,
Brown, Lucas,	Hoffman,	Partington,
Brown, Pike,	Holtz,	Peck,
Cassidy,	Hoskins,	Peters,
Cody,	Hursh,	Pierce,
Collett,	Johnson, Madison,	Read,
Colton,	Johnson, Williams,	Redington,
Cordes,	Kehoe,	Rockel,
Crosser,	Kerr,	Roehm,
Davio,	King,	Rorick,
DeFrees,	Knight,	Shaffer,
Donahey,	Kunkel,	Shaw,
Doty,	Lambert,	Smith, Geauga,
Dunlap,	Lampson,	Solether,
Dwyer,	Leete,	Stevens,
Earnhart,	Leslie,	Stokes,
Eby,	Longstreth,	Taggart,
Elson,	Ludey,	Tannehill,
Evans,	Malin,	Thomas,
Farrell,	Marriott,	Walker,
Fess,	Marshall,	Watson,
FitzSimons,	Matthews,	Winn,
Fox,	McClelland,	Wise,
Hahn,	Miller, Crawford,	Mr. President.

Mr. Stilwell voted in the negative.

So the resolution was adopted.

Mr. WATSON: I offer a resolution.

The resolution was read as follows:

Resolution No. 166:

*Resolved*, That the distribution of the printed debates of this Convention shall be as follows:

1. To each member of the Convention, fourteen sets.

2. To the state library of each state in the Union, one set.

3. To the secretary and official reporter, each two sets.

4. To each public library in the state, whether state, county or city, one set.

5. To each accredited reporter for the press, one set.

6. To the library of each college and university in the state, one set.

7. To each law library of the state, one set.

8. To each employe of the Convention, one set.

That all the remaining sets shall be turned over to the secretary of state and shall be placed on sale by him at \$6.00 per volume or \$12.00 per set of two volumes; the money derived from the sale of same to be covered into the state treasury.

All resolutions or orders of the Convention in conflict herewith are repealed, revoked or rescinded.

Mr. WATSON: That resolution seems to be necessary in order to correct the former resolution, as the former resolution was not in accordance with the contract made with the printer.

The PRESIDENT: The member from Guernsey [Mr. WATSON] moves that the rules be suspended and the resolution be considered at this time.

The motion to suspend was carried.

Mr. WATSON: As I started to say, this resolution seems to be necessary because the former resolution does not coincide with the contract made with the printer. The former resolution calls for three volumes and the contract with the printer calls for two, and this resolution is to conform to that contract.

Mr. DOTY: Does the original resolution call for a price of \$12 for our debates?

Mr. WATSON: Yes; \$12 for the set was fixed here, the same as before.

Mr. DOTY: It occurs to me that our debates are not worth \$12. I have been looking over my own remarks and I do not think they justify any such price. I move that we strike out "6" and insert "4" and strike out "12" and insert "8".

The amendment was agreed to.

Mr. HOSKINS: I don't think that under the resolution there would be many of our debates left for sale.

Mr. DOTY: There will be very few, a hundred or so.

The PRESIDENT: The question is "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 78, nays none, as follows:

Those who voted in the affirmative are:

Baum,	Davio,	Eby,
Beatty, Morrow,	DeFrees,	Elson,
Beatty, Wood,	Donahey,	Farnsworth,
Beyer,	Doty,	Farrell,
Brown, Lucas,	Dunlap,	Fess,
Colton,	Dunn,	FitzSimons,
Cordes,	Dwyer,	Fox,
Crosser,	Earnhart,	Hahn,

## Office of Justice of the Peace not Abolished.

Halfhill,	Ludey,	Roehm,
Harbarger,	Malin,	Rorick,
Harris, Ashtabula,	Marshall,	Shaffer,
Henderson,	Matthews,	Shaw,
Hoffman,	McClelland,	Smith, Geauga,
Holtz,	Miller, Crawford,	Solether,
Hoskins,	Miller, Fairfield,	Stevens,
Hursh,	Miller, Ottawa,	Stokes,
Johnson, Madison,	Moore,	Taggart,
Johnson, Williams,	Nye,	Tannehill,
Kehoe,	Okey,	Thomas,
Kerr,	Partington,	Wagner,
King,	Peck,	Walker,
Knight,	Peters,	Watson,
Kunkel,	Pierce,	Weybrecht,
Leete,	Read,	Winn,
Leslie,	Redington,	Wise,
Longstreth	Rockel,	Mr. President.

So the resolution as amended was adopted.

Mr. READ: There is a matter that has been mooted in our county and I have been requested to bring it before the Convention. It brings up the question of whether we should make any amendment to any proposal that has been adopted. I also have a request from a number of persons in Summit county and also from the Bar Association, by an unanimous vote, that we so word the first section of article IV that the people may know whether or not the office of justices of the peace is abolished. I tried to explain to them that it is not abolished except as provided in another proposal for the large cities, but the Bar Association of Summit county claims that on the first of January, if this proposal is adopted, all justices of the peace in the state will be out of office, and the demand now is that that be so amended as to make it clear that this will not occur. I accordingly present an amendment to that proposal.

The secretary started to read the amendment as follows:

Amend article IV, section 1, as follows:—

Mr. DOTY: Is that the introduction of a proposal?

Mr. READ: It is an amendment to a proposal.

Mr. DOTY: There is nothing before the Convention.

Mr. DWYER: Let it be read.

Mr. DOTY: I have heard enough of it read to ask the question and I would like to have it answered.

The PRESIDENT: The amendment is out of order in the form presented.

Mr. LAMPSON: I rise to a question of inquiry. This is a question which ought to be determined, and I ask unanimous consent that the general subject of justices of the peace as affected by the amendment which has been proposed by this Convention, be taken up for thirty minutes' discussion.

The PRESIDENT: If there is no objection the question is before the Convention and the member from Summit has the floor.

Mr. WATSON: I move that remarks be limited to three minutes each.

The motion was carried.

Mr. READ: In section 1 of article IV, as amended, justices of the peace are dropped out. They were included in the old article of the constitution. The old section read:

The judicial power of the state is vested in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace, and

such other courts inferior to the supreme court, as the general assembly may from time to time establish.

The new section reads:

The judicial power of the state is vested in a supreme court, courts of appeals, courts of common pleas, courts of probate, and such other courts inferior to the courts of appeals as may from time to time be established by law.

Now it is claimed by some of those who say that justices of the peace are abolished that the dropping out of the words "justices of the peace" in this amendment has the effect of abolishing that office. I think that it is our duty to make that point clear. In Summit county alone it is claimed that this proposal will lose us a thousand votes.

Mr. ANDERSON: Does the dropping of the words "justices of the peace" take away from the legislature the power to make any kind of court it pleases? Has not that been passed upon by the supreme court?

Mr. READ: Sure.

Mr. ANDERSON: They can do as they please?

Mr. READ: Yes.

Mr. HOSKINS: I think the first thing in this discussion would be to hear from the chairman of the Judiciary committee, which committee had this matter in charge. He is probably as competent to instruct us as anybody. Of course, each of us has his own opinion about the matter, but we should hear from the chairman of the Judiciary committee.

Mr. LAMPSON: I ask unanimous consent that Judge Peck be given ten minutes, which time is not to be taken out of the thirty minutes.

The PRESIDENT: Without objection that will be ordered.

Mr. PECK: The Judiciary committee did not have entire charge of this subject. The matter in part came from the Judiciary committee and in part was decided by motions on the floor of the Convention.

Now, in the first place, there are several provisions in the constitution that bear on this subject, and you have to consider them all together if you are going to solve this question aright.

The first mention that is made of justices of the peace in the constitution is the one to which reference has just been made, section 1 of article IV, where it is cited that "The judicial power of the state is vested in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace, and such other courts inferior to the supreme court, as the general assembly may from time to time establish." Justices of the peace are specifically named there, but that mention is simply a mention. It does not provide for the direct creation of the office of justices of the peace. It does not provide any term of office or any duties, nor does it provide how many justices of the peace there shall be. The real section upon which the whole life and power of justices of the peace depend is section 9 of that article, and I submit to you that one section is as good as another. Section 9 of that chapter read this way:

A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall

## Office of Justice of the Peace not Abolished.

be three years, and their powers and duties shall be regulated by law.

There you have it. That is the real provision for the existence of justices of the peace.

Mr. READ: The schedule under that—

Mr. PECK: I have not gotten to that. One thing at a time. I will come to that directly. I will explain this section first—"A competent number of justices of the peace shall be elected by the electors in each township in the several counties." I am pointing out that that is the real section from which justices of the peace derive their existence and power. It provides for their term of office and for their powers and duties, and that these shall be regulated by law, putting the duty upon the general assembly imperatively. So much for justices of the peace up to that time.

When that section came to be amended there was a general demand that the legislature should have power to change justices of the peace in certain parts of the state. There were cities in the state that did not want justices of the peace, other cities wanted them and there were other cities that wanted them to a certain extent and they also wanted other courts having similar power. And they wanted power to limit the justices of the peace, so that it was desired to put justices of the peace under the control of the general assembly, and that was the reason why the words "justices of the peace" were left out of section 1, that section 9 might be amended so as to put justices of the peace within the control of the general assembly. If section 1 stood as it was and justices of the peace were to be forever a constitutional office, nothing that the legislature would do could affect them. So in order that the matter might be in the power of the general assembly, "justices of the peace" had to be stricken out of section 1, and that was the object of striking it out there.

Then section 9 was changed. The new section provides for the election of justices of the peace in the same language as in the old section, but adds "until otherwise provided by law": "A competent number of justices of the peace shall be elected by the electors in each township in the several counties, until otherwise provided by law." All that is new there is the "until otherwise provided by law." That leaves them, as I said before, under the control of the legislature.

Mr. READ: But if section 1 is adopted this does not go into effect?

Mr. PECK: You are mistaken about that. Don't get wild on the schedule. It is not as clear as light, but it is all right if you understand it.

Now, without referring to the schedule, there are the two provisions as they stand. There cannot be any doubt if these words stood by themselves, "A competent number of justices of the peace shall be elected by the electors of the several counties until otherwise provided by law," there would be ample provision for justices of the peace. Then the provision goes on:

Their term of office shall be for four years and their powers and duties shall be regulated by law; provided that no justice of the peace shall be elected in any township in which a court, other than a mayor's court, is, or may hereafter be, maintained with the jurisdiction of all causes of

which justices of the peace have jurisdiction, and no justice of the peace shall have, or exercise, jurisdiction in such township.

That does not affect the question at all. That is simply for legal purposes. Then follows the schedule. It is not as clearly expressed as it might be, and all of the trouble has grown out of the expression of the schedule. It says:

If the amendment to article IV, sections 1, 2, and 6 be adopted by the electors of this state and become a part of the constitution, then section 9 of article IV of the constitution is repealed, and the foregoing amendment, if adopted, shall be of no effect.

I understand that refers to the original section 9 and that the new section 9 is put in its place. It means that the original section 9 is repealed. Where it says, "and the foregoing amendment, if adopted, shall be of no effect", that is the amendment relating to the city of Cleveland.

Mr. READ: Does it not refer to the whole section?

Mr. PECK: No, sir; the whole section is not an amendment. It only refers to the part that is an amendment.

Mr. READ: And it does not refer to the whole section?

Mr. PECK: No, sir; just to the amendment. It was intended to refer to and does refer to that coming after the word "provided."

Mr. READ: Then you maintain that that section would and does remain in the constitution and would be in effect even though section 1 were not there?

Mr. PECK: Yes; section 1 has nothing to do with that. Section 1 leaves it in such a way that the general assembly can act upon it, and if section 1 were abolished and section 9 were left in, it would not affect the office of justice of the peace.

Mr. READ: The wording is rather unfortunate.

Mr. PECK: That is another matter. There are various other things in the constitution—amendments—which bear out what I say.

Turn to article XVII, section 2, of the existing constitution, which has not been changed. About the middle of it, it fixes the terms of office of various offices:

The term of office of justices of the peace shall be such even number of years not exceeding four (4) years, as may be prescribed by the general assembly.

There is a recognition of justices of the peace and a fixing of their term of office. That is continued in force. It is not interfered with. Then, at the end of that article you will find this, which affects justices of the peace:

Every elective officer holding office when this amendment is adopted, shall continue to hold such office for the full term for which he was elected, and until his successor shall be elected and qualified as provided by law.

Does that read like it was abolishing justices of the peace? Does it not continue them in office. Justice of the peace is an elective office. Take that with the other

## Office of Justice of the Peace not Abolished.

things to which I have called your attention, and it satisfies me that the intention of this body not to abolish the office of justice of the peace is perfectly apparent to anybody who wants to construe it without prejudice.

Certain gentlemen have been circulating the story that the office of justices of the peace is abolished, not because they care for justices of the peace, but for other reasons, to use it against the constitution generally, and not particularly against Proposal No. 19.

Mr. LAMPSON: With the gentleman's permission, I will call attention to section 15 of article IV: "And any existing court heretofore created by law shall continue in existence until otherwise provided." Does not that strengthen your contention?

Mr. PECK: Yes; it looks the same way. The intention creeps out every time you examine the constitution. There was no intention to abolish the justices of the peace. Everybody in the Convention knows it and the document itself shows it, when you examine it in the right spirit and in a proper way, and I can satisfy any court on that. It is unfortunate that it should require explanation, but we cannot help that now. I rather think that it is too late to add anything to it. My own impression is that we could not get any amendment before the people in time for them to act upon it. The president and some of the other members may know better about that than I, but it seems to me it is too late to attempt to publish anything new in time for the people to vote for it a week from tomorrow. You cannot satisfy these men who are opposing it. A man who has his mind made up and who thinks his office is in danger will vote "no" anyhow.

I have expressed my legal view of this matter. I have published it in the newspapers. There will be an article tomorrow in the Law Review of Cincinnati on this subject written by me which I will try to send to the members of the Convention and that will be generally circulated among the bar of the state. I have written several articles in several of the prominent newspapers and will be glad to furnish those.

Mr. FESS: Is there any objection to putting in "justices of the peace" in section 1?

Mr. PECK: I think I would object to that because it puts back the old status; you would have the justices of the peace forever and amen and the legislature could not abolish them. The legislature could not give you the local court you wanted; justices of the peace would be fixed and immovable. We know that that matter ought to be made flexible and jurisdiction over that matter should be vested in the general assembly.

Mr. ANDERSON: Is it not a fact that the opposition to this section and the pamphlet about this amendment, based upon doing away with the justices of the peace, was inspired by a justice of the peace lawyer of Toledo, a member of a large corporation firm, and that being true, why would it not be a good idea, since justices of the peace believe they will go out of office January 1, if the constitution is ratified, to instruct our secretary to write to the seventeen hundred justices in Ohio and call their attention to the sections that Judge Peck and Mr. Lampson have read?

Mr. PECK: I have no objection to that. Now any other question I can answer I shall be glad to do so.

Mr. PARTINGTON: I could not hear your explanation

in regard to the schedule where section 9 is repealed.

Mr. PECK: The schedule refers to the old section 9. We could not repeal something that is not existing at the time. We repeal old section 9 and substitute new section 9.

Mr. LAMPSON: Would it be possible to use the word "repeal" in referring to a proposed amendment, one which has not yet been adopted?

Mr. PECK: Of course not. You could not repeal something that did not exist. Unfortunately these matters were not foreseen or the schedule could have been written so as to exclude those matters.

Mr. WATSON: Would you object to heading a committee to prepare an address and statement referring to this matter?

Mr. PECK: I would not if it did not involve staying here tonight. I have to go home tonight. I have to be in Cincinnati tomorrow. I would serve in any way I can.

Mr. WALKER: I confess to a difficulty in understanding why, if this refers to section 9 of the present constitution, it will not repeal both sections 9. "The foregoing amendment"—that must refer to section 9—shall be of no effect."

Mr. PECK: The "foregoing amendment" is only a part of section 9. The fore part of section 9 is not an amendment, but the same as the original section 9. The "foregoing amendment" is an amendment relating to the city of Cleveland. That is the matter that would be of no effect, because the whole matter is under the control of the legislature, and they could abolish justices of the peace if they wanted to.

Mr. READ: The people in our section are under the impression that if section 1 is adopted section 9 will be dropped entirely and will be of no effect.

Mr. PECK: I think anybody can see that the abolition of section 1 would not necessarily repeal section 9. Why should it?

Mr. READ: For my own part I do not believe it would abolish it, but I want to satisfy my people that the Convention has not abolished the justices of the peace.

Mr. PECK: Section 9 gives the life and power and section 1 is only an incidental mention, and the dropping out of the words "justices of the peace" in section 1 will permit section 9 to cover the whole subject.

Mr. LAMPSON: In order to make your argument complete, although it is pretty complete already, I want to ask you a question referring to the schedule on the bottom of page 47. It says: "All laws then in force, not inconsistent therewith shall continue in force until amended or repealed." That is, at the time of the adoption of any of these amendments. In your judgment would the law creating the office of justice of the peace and providing for the election and jurisdiction be inconsistent with any of these matters?

Mr. PECK: No, sir; and for the reasons already stated.

Mr. KING: I do not rise to disagree with the distinguished chairman of the Judiciary committee, but I do not put on section 9 and its schedule the force that he does. I say that section 1 is a declaratory section as to where the judicial power is vested. It does not establish any courts nor does it provide for any. It originally read: "The judicial power of the state is vested



## Office of Justice of the Peace not Abolished.

in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace, and such other courts inferior to the supreme court as the general assembly may from time to time establish."

That is very indefinite. If this amendment had dropped the common pleas courts and the courts of probate out it would have been just as good and would have left our courts in the same position as they are today, because they are established by law as well as by the constitution. There is in the city of Cleveland a court of insolvency. Is that repealed by the constitutional amendment? There is a superior court in Cincinnati. Is that repealed because it is not mentioned in the first section of article IV? They could leave out of that section every court below the courts of appeals and we would still be in the same shape, because there is a provision that the general assembly may provide such other courts inferior to the courts of appeals as it pleases. It has established justices of the peace. They are in office under law, and under the section referred to by the gentleman from Cincinnati, they remain. That section is an absolute clincher on the argument and leaves no loophole. Every statute of the state not inconsistent with any of these amendments stands. The statute establishing justices of the peace is not inconsistent with anything in this section, so the power of the legislature to establish all kinds of courts and those that are established are protected not only by that section of the schedule but also by the following section in another amendment. Either by the amendment or by the original section they are protected. In other words, this constitutional amendment does not legislate any officer out of office except he is specially mentioned by the amendment as being legislated out of office. The board of public works is legislated out of office and it is stated when it shall go out. So also the commissioner of public schools. He is legislated out of office by a constitutional amendment, if it is adopted. But justices of the peace are not, for nowhere in the amendment is it provided that they shall go out of office, and if the legislature does not repeal the laws now on the statute books relating to the justices of the peace, they will be elected in the future as in the past even if we didn't have any section 1. Section 1 does not establish justices of the peace. Get that out of your head and go back to the bar of Summit county and tell them that justices of the peace are not created by that section at all. They are created "by law," although the original constitution by section 9 did provide for justices of the peace as a constitutional office. But it did not create them and there are laws upon the statute books which do create them. Now, if sections 1 and 9 are no longer in the constitution, still the laws are upon the statute books which create justices of the peace and also the laws under which they are elected and by which their terms of office are fixed and the manner in which they are compensated. So section 1 has not anything to do with the question, because this other section is so broad that it covers all the courts that the general assembly may establish and the general assembly has established courts of insolvency, municipal courts, superior courts, etc., and it can continue from time to time to do that, and these laws are in force and are not in conflict with anything adopted here and are not interfered with. So do you not see that it is

logically true and certain that justices of the peace do not go out of office? I say they certainly do not and they will continue until their terms expire, unless the legislature changes the term.

Mr. HARRIS, of Ashtabula: The gentleman insists that had the court of common pleas and court of probate been omitted here they would still be in force and effect as courts of the state. Now the average citizen in the rural districts wonders why justices of the peace were omitted and the others were not. Explain that.

Mr. KING: I was not present when that question was discussed.

Mr. HARRIS, of Ashtabula: I do not remember that it was discussed in the Convention.

Mr. KING: I don't think it was.

Mr. HARRIS, of Ashtabula: Can we have the reason now?

Mr. KING: The reason was fully given by Judge Peck.

Mr. HARRIS, of Ashtabula: I could not hear it.

Mr. KING: That it was to leave entirely to the general assembly the determination of the nature, character, term of office, manner of election and how many there should be.

Mr. HARRIS, of Ashtabula: Why not the same as to the others?

Mr. KING: They could have done it.

Mr. HARRIS, of Ashtabula: Why did they not?

Mr. KING: They followed the mark that was laid down in the old constitution which contained a long section in regard to the courts. But it didn't define any superior court of Cincinnati and why was not that done? Simply because it never was a constitutional court except under the provision that the general assembly may establish such courts as it pleases.

Mr. PECK: And it has existed for sixty years.

Mr. KING: So as to the court of insolvency and the juvenile courts. It might just as well be that way with the probate court, but there is another section in another part of the article that provides for constitutionally establishing the probate court. I do not believe that the justice court as a court has yet reached the stage of perfection. I think there is still opportunity for amendment by the general assembly and I think that is the general opinion. I know it is among the lawyers with whom I am acquainted and it was deemed a good deal better to leave it out of this constitution in the declaratory clause and permit the general assembly to deal with the subject from time to time as it sees fit. I believe that is the better way, but that goes to a question of policy. The other goes to a question of whether this abolished the justices from the face of the earth, and I say to the justices of the peace that they will be just as well off if this amendment is adopted as they were before.

Mr. ANDERSON: You say that if there had not been any mention of justices of the peace in the constitution of 1851 there would be just as many justices of the peace as there are now?

Mr. KING: Yes; the statute provides everything.

Mr. ANDERSON: And with the constitution of 1851 just as it is with reference to justices of the peace, if the legislature had never passed any laws in reference

## Office of Justice of the Peace not Abolished.

to the justices of the peace there would not be any in Ohio today?

Mr. KING: Not one.

Mr. DAVIO: How would it work in the city of Cleveland if this amendment is carried? Would not the justices of the peace be legislated out the first year?

Mr. KING: Yes, I think so, but I don't want to be too swift about that. No, I think not. I will tell you all that does. It provides that no new ones shall be elected:

Mr. DAVIO: Those elected will serve their terms out?

Mr. KING: Yes; their office is preserved by other sections of the constitution. It provides that in townships where there is another court having the same jurisdiction that justices have no justices shall be elected.

Mr. DAVIO: It also says that those justices of the peace shall have and exercise jurisdiction, etc.

Mr. KING: Yes, but you can not take away what they now have unless you also provide that they shall actually go out of office, and we do not provide that. If we do not do that in the constitution then there is another provision that holds them during their term of office. That term is secured for them and it cannot be taken away.

Mr. JOHNSON, of Williams: We had a discussion last Friday night in the rural county where I live on the subject whether or not justices of the peace would be legislated out of office. I had received a circular from some lawyers saying it did away with the justices court. I told that audience if this amendment carried that it would not, but that we would have the justices of the peace until the legislature passed laws abolishing them. Was I right?

Mr. PECK: Yes.

Mr. JOHNSON, of Williams: Why worry about the rural districts? I think the trouble is all with the lawyers. I am sure a lot of lawyers would like to overrule what we have done. I would not vote to change one thing, even if the whole constitution goes down. I do not believe in child's play. This matter will be all right no matter how adopted, and the supreme court will decide the matter. I think it is waste of time to adopt any amendment now to remedy a fancied or supposed wrong, a wrong that does not exist.

Mr. FESS: If Judge Peck's address and Judge King's address could be read by everybody there could not be any danger. We are talking in the Convention now about whether justices of the peace will be abolished. We are agreed that they will not. I am perfectly satisfied from what the gentlemen have said that they will not and it is up to you and to me to make the people in the rural districts see that justices of the peace are not abolished.

Mr. PECK: I do not know how we can make them see it any plainer.

Mr. FESS: I had a letter and I sent it to Judge Peck. I wanted a word from Judge Peck that I might read everywhere I go. I am one of the members of the Convention that is on the platform every day. Only three times yesterday I violated the Sabbath by speaking on these amendments, as you can see by my voice today, and to save my life I cannot make the fellows see that this office of justice of the peace is not disturbed, even

after quoting and reading from the letter of Judge Peck, which is as clear as sunlight. My point now is to sound a note of warning that if we want Proposal No. 19 adopted we must all get busy in the rural districts and overcome the prejudice that certain interests of the state are working against this constitution, interests that do not care the snap of the finger for justices of the peace, but they are everywhere poisoning the minds in the rural sections. Why, last Thursday night I spoke to a group of men in Tiffin, many of them lawyers. I insisted that the office of justice of the peace was not abolished and when I got through with my argument one of the judges of the town said to me that they had studied the matter and that I was wrong, that the justices were abolished.

Mr. JOHNSON, of Williams: And those men you talked to were not men from the backwoods districts.

Mr. FESS: No.

Mr. JOHNSON, of Williams: That is the trouble—with the cities. With about only three per cent of the people understanding the constitution what can we do? It is a simple matter to me. We take justices of the peace out of the constitution and we put them in the hands of the legislature.

Mr. FESS: My friend from Williams [Mr. JOHNSON] does not see what I am talking about. He has not touched one corner of it. We want to save what we have, but we do not want to go out of the Convention thinking that nobody is in doubt. It is our business when we go back home to spread this idea that the justices of the peace are not wiped out. That is what I am trying to talk about.

Mr. MAUCK: Can the gentleman suggest anything that ought to be done by the legislature to create an office except to provide for the election, the term of office, the salary and the jurisdiction?

Mr. FESS: Do you object to going back home and explaining these facts?

Mr. MAUCK: I have explained them to my people and they are perfectly satisfied.

Mr. FESS: I have explained it to my people and they are not satisfied.

Mr. DWYER: I want to ask Dr. Fess a question. Do you not believe that Mr. Anderson's proposal is a good one—to have the explanation made by Judge King and Judge Peck put in form and mailed to all of the justices of the peace?

Mr. FESS: I do. I want the Convention to understand that there is no suggestion on my part that we should amend at this point. But we ought to do something to get this matter before the people and convince them that our work has not been a work of demolition.

Mr. NYE: Mr. President and Gentlemen of the Convention: I had not expected to say one word at this meeting, but it does seem to me that there is absolutely no doubt about this proposition and every member of this Convention ought to be satisfied that the office of justice of the peace is not dispensed with.

By the old section 1 of article IV it is provided:

The judicial power of the state is vested in a supreme court, circuit court, courts of common pleas, courts of probate, justices of the peace, and such other courts inferior to the supreme

Office of Justice of the Peace not Abolished.

court as the general assembly may from time to time establish.

The new section provides substantially the same thing, but it stops with the probate court and does not mention justices of the peace.

Now, we have in Ohio the superior court at Cincinnati, juvenile courts in all of the cities and insolvency courts in some of the cities. It might just as well be said that we are legislating them out of power as to say we legislate the justices of the peace out because justices of the peace are left out of this section. We have statutes providing for the establishment of the superior court. We have statutes providing for the establishment of the juvenile court, and recently there was an act passed by the legislature providing for the court in Cleveland, which has been talked of in this Convention, which is coextensive with the justices courts. All of those courts are still in existence and continue in existence notwithstanding the adoption of the amendment to the constitution.

We also have upon the statute books a statute providing that a certain number of justices of the peace shall be elected in each township of the state and the statute today provides the jurisdiction of those justices of the peace. Now it would be just as competent and just as proper, in my judgment, to say that the superior court of Cincinnati and all these other courts other than justices of the peace, were legislated out of existence as to say that the justices of the peace courts are. True, justice of the peace would no longer be a constitutional office, but it can be made an office and is made an office by the statutes of the state.

Now, if you look at the schedule at the close of the amendments you will find that it provides:

The several amendments passed and submitted by this Convention when adopted at the election shall take effect on the first day of January, 1913, except as otherwise specifically provided by the schedule attached to any of said amendments. All laws then in force, not inconsistent therewith shall continue in force until amended or repealed.

Now, as I have said before, we have statutes providing for the establishment of justices of the peace, and until those laws are repealed the justices of the peace continue in office the same as today, and it seems to me that the proposition that they are legislated out of office by this amendment cannot be maintained, and I am surprised at any lawyer of the state claiming such a thing.

Mr. LAMPSON: Under the present constitution there is a grant of power to the legislature to create the office of justice of the peace. The legislature has acted and has created that office and the law is now in force. Under the proposed amendment there is a grant of power to the legislature to create courts inferior to the courts of appeals, which would include the office of justice of the peace. The schedule provides that all laws in force at the time of the adoption of this amendment not inconsistent therewith shall continue in force until amended or repealed. Can any court hold consistently that the law creating the office of justice of the peace under the grant of power contained in the present constitution is inconsistent with the similar grant of

power, although in different language, under the proposed amendment? I think not.

Mr. ANDERSON: I agree with the gentleman from Greene [Mr. FESS] that it is very necessary for us to do something to counteract the belief now in the minds of the justices of the peace and the friends of the justice of the peace and convince them that if this proposed amendment is ratified the office of justice of the peace will not be in any way disturbed. Enemies of our work are resorting to a campaign of misrepresentation the like of which was never known in this state or any other state. A corporation attorney at Toledo, who probably had never tried a case before a justice of the peace and who represents clients who have no interests in the justices of the peace, is the man who is sending out circulars to each justice of the peace. I have had justices come to see me and I have talked to them by the hour and with no more effect than the gentleman from Greene [Mr. FESS] says he has had. With Mr. Harter, of Stark, I went into the offices of several judges in Canton with the justice of the peace over there and tried to explain that it did not do away with justices of the peace or cut down their terms, and yet that justice of the peace agreed with the lawyer from Toledo. I have here a little slip of paper to which I want to call your attention. On one side it says:

ATTENTION! MERCHANTS! FARMERS!  
WORKINGMEN!

YOUR COUNTY FAIR IS IN DANGER.

Amendment No. 38, to the Proposed New Constitution which will be voted on Tuesday, September 3rd, will make it impossible for your fair to be properly advertised. The fair managers have used posters, banners, signs and other forms of Out-Door Advertising all of which will be prohibited if Amendment No. 38 passes.

To protect the thousands of dollars invested in the fair grounds and buildings to insure the continued holding of these annual affairs, VOTE NO on Amendment No. 38. It will prohibit a circus poster too; it would prohibit sales signs; it would throw thousands out of employment and WHAT IS THERE TO BE GAINED FOR YOU OR ANYONE?

On the other side it says:

Vote NO on Amendment No. 38

38		Yes	Art. XV, Sec. 11.
	X	No	Out-Door Advertising.

and Save Your County Fair.

On the left of this it says: "And Save Your County Fair."

I presume the gentleman who got up this is connected with a circus.

I believe it is very necessary to do something to reach every justice in the state of Ohio and therefore I offer a resolution.

The resolution was read as follows:

## Office of Justice of the Peace Not Abolished—Question of Personal Privilege.

## Resolution No. 167:

*Resolved*, That Judges Peck, King and Nye be appointed a committee with the assistance of the secretary to draw a statement concerning the proposed amendments as affecting the office of justice of the peace and that the secretary send each justice of the peace a copy of such report.

The PRESIDENT: The gentleman from Mahoning moves a suspension of the rules and that this resolution be considered at this time.

The rules were suspended.

The PRESIDENT: The question is "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 72, nays 3, as follows:

Those who voted in the affirmative are:

Anderson,	Hahn,	Marshall,
Beatty, Morrow,	Halfhill,	Matthews,
Beatty, Wood,	Harbarger,	McClelland,
Beyer,	Harris, Ashtabula,	Miller, Crawford,
Cody,	Harter, Huron,	Miller, Fairfield,
Collett,	Henderson,	Miller, Ottawa,
Colton,	Hoffman,	Moore,
Cordes,	Holtz,	Okey,
Davio,	Hoskins,	Peck,
DeFrees,	Hursh,	Peters,
Donahay,	Johnson, Madison,	Pierce,
Doty,	Johnson, Williams,	Read,
Dunlap,	Kehoe,	Rockel,
Dunn,	Keller,	Roehm,
Dwyer,	Kerr,	Rorick,
Earnhart,	Knight,	Shaffer,
Eby,	Kunkel,	Shaw,
Elson,	Lambert,	Smith, Geauga,
Evans,	Lampson,	Solether,
Farnsworth,	Leete,	Stokes,
Farrell,	Leslie,	Thomas,
Fess,	Longstreth,	Winn,
FitzSimons,	Ludey,	Wise,
Fox,	Malin,	Mr. President.

Messrs. Mauck, Stevens and Taggart voted in the negative.

So the resolution was adopted.

Mr. WINN: Gentlemen of the Convention: I have hastily prepared a resolution bearing upon this same subject, which I am about to offer and touching which I desire to say a word before offering it.

I believe it will be wise if just at this moment we adopt a resolution declaring it to be the sense of this Convention that it was not the intention of the Convention to abolish justices of the peace and that the adoption of any amendment we have proposed will not legislate any person out of office. I offer the resolution.

The resolution was read as follows:

## Resolution No. 168:

*Resolved*, That it is the sense of this Convention that the office of justice of the peace is not abolished by any amendment submitted by this Convention and that such is not the effect of any proposed amendment when considered in connection with other proposed amendments and with the provisions of the constitution bearing upon the subject not affected by any proposed amendment; that said office of justice of the peace will not be abolished nor will any justice of the peace be legislated out of office by reason of the adoption of any proposed amendment or amendments submitted by this Convention.

The PRESIDENT: The question is, Shall the rules be suspended?

The rules were suspended.

The PRESIDENT: The question is on the adoption of the resolution.

Mr. WINN: I just want to say one more word so that we may all understand fully the import of the resolution. It is not only that it may go out throughout the state that this Convention did not propose to abolish justices of the peace and has not done so, but that it may go into our proceedings, because if this question does reach the supreme court, and it may be that the lawyer in Toledo who has put out this pamphlet headed with these words, more familiar to him than anything else, "Stop, look and listen"—words familiar to all railroad lawyers—it may be possible that he will find some means by which he may procure the submission of this question to the supreme court, and in that event an expression by this Convention of its intention will probably have great weight with that body.

The PRESIDENT: The question is on the adoption of the resolution.

The resolution was adopted.

Mr. HALFHILL: As a matter of personal privilege I desire to explain my relations to the committee on Submission and Address to the People.

At the time that resolution was brought in by Mr. Doty, to whom we are under obligations for much of the work of the Convention, I was afraid of it because it conferred too much power on the president. I was especially afraid of it when I saw the able lieutenant of the president and the president working together in a team, because I had encountered that before and I knew how dangerous it was.

Mr. DOTY: "Stop, look and listen!"

Mr. HALFHILL: While I was calling some attention to that and doing it rightfully, because it was my business to see that the state treasury was not thrown wide open without some restrictions, the gentlemen from Cuyahoga [Mr. Doty], with his usual skill, slipped over and had somebody suggest that I be made a member of the committee, so that I could watch him and the president, and the president, quicker than a flash, said, "If there is no objection on he goes." So I was on that committee and it was supposed that we would have some little opportunity to look inside.

Mr. DOTY: Well, did you not get it?

Mr. HALFHILL: I was in the committee on the second of July at one session and then I was legislated off.

Mr. DOTY: Will the member from Allen allow me a word?

Mr. HALFHILL: When I finish you can have all the time you want, so far as I am concerned. What I mean is that all of the work of the committee was put in the hands of a subcommittee of three and I was on the outside. I did not even get a look-in.

Mr. DOTY: Is it not a fact that at the time that that subcommittee was being made up you were named as one of the original three and you declined to serve on that committee?

Mr. HALFHILL: I do not know but that that is so.

Mr. DOTY: It is correct.

Mr. HALFHILL: If you say it is correct, it is correct. I have no recollection on that point. But what

Question of Personal Privilege—Payment of Employes.

could I have done on that committee? I would have been in as bad shape as I was.

Mr. DOTY: Are you asking me?

Mr. HALFHILL: Yes.

Mr. DOTY: You would have had one vote out of three, two to one.

Mr. HALFHILL: I would have been where I was most of the time—when the time came the president, aided by his lieutenant from Cuyahoga [Mr. DOTY], would have steam-rollered me.

Mr. DOTY: Will the gentleman yield a moment?

Mr. HALFHILL: Yes.

Mr. DOTY: Do you know whether the member from Auglaize [Mr. HOSKINS] is in favor of the president of the Short Ballot Association for president of the United States?

Mr. HALFHILL: There is no accounting for taste, as the old woman said when she kissed the bull moose. So I say, Mr. President, further—

Mr. LAMPSON: Will the gentleman yield to me for a question?

Mr. HALFHILL: Just a moment. I say further about the gentleman from Auglaize [Mr. HOSKINS] that he might do worse in this campaign than to vote for Wilson.

Mr. LAMPSON: I want to ask if the gentleman from Allen [Mr. HALFHILL] was present when the kissing bee took place that he has referred to?

Mr. HALFHILL: I do not think I would follow that kissing bee very far. Now, I want to get to the question.

Mr. DOTY: I call attention to the fact that he refuses to answer my question about the member from Auglaize.

Mr. HALFHILL: No, sir; I answered it.

Mr. HOSKINS: I want to know what he said about me? I didn't hear it.

Mr. HALFHILL: He wanted to know if you were in favor of the president of the Short Ballot Association for president of the United States?

Mr. HOSKINS: Yes.

Mr. HALFHILL: That part at least is settled then. Evidently the skillful gentleman from Cuyahoga [Mr. DOTY] is endeavoring to flag me on the statement I want to make and I do not intend to be flagged. Now I shall not yield until I have finished the statement. I do not say but what the advertising contracts and the planning about them and everything was done just as reported by Mr. Lampson and that the interests of the state were protected in a business way. I have no reason to think otherwise, but here is what I am complaining about and I want you to look at this advertisement. This exhibit appeared in the Cleveland Plain Dealer: "Ballot must be marked forty-two times. A vote for an amendment is cast this way," and then there is an affirmative vote shown for the initiative and referendum and for municipal home rule. I do object to using the money of the state of Ohio to urge forward some particular proposal, and I objected when the president submitted that to me in the proof. I wrote him a letter to that effect and I want to be put on record to that effect. I said it was not fair and it was not right, and I put it down over my own signature, and yet later I bought a Cleveland Plain Dealer and found that advertisement in it. If the president is content to throw the power of

his high office at the last minute, as he did throw it so often during the course of this Convention, in favor of some proposal that he especially backed, and throw every obstacle in the way of anybody against him—if he thinks that is right, I want him to have the responsibility for it, and I do not want it to be known or understood that because I was on that committee I ever agreed to that form of advertisement. That is all I care to say on that point.

Mr. CASSIDY: I desire to offer a resolution and to give just a word of explanation. Several of our employes are serving here today and there is no provision for their compensation and I offer a resolution.

The resolution was read as follows:

*Resolved*, That the president and secretary be and they are hereby authorized and directed to issue vouchers in payment for today's services to the employes who are on duty.

Mr. DOTY: The spirit of the resolution should be carried out, but the form of the resolution is not right. In the first place, some of our former employes are on the pay roll. In the second place, we do not know how many of our former employes who are not now on the pay roll are present. I suppose the secretary knows, but we do not know. I think the names of those we want to pay should be put in this resolution.

Mr. CASSIDY: If the secretary will furnish me the names I will put them in.

The SECRETARY: I have the names.

The resolution was amended by the insertion of the names and read as follows:

Resolution No. 169:

*Resolved*, That the president and secretary be and they are hereby authorized and directed to issue vouchers in payment for today's services to the following employes:

Will T. Blake, T. H. Brown, Clement Kelly, J. C. Sherlock, William C. Ries, Fred Blankner, C. M. Fisher, William Todd, Allen G. Atwill, Nelson Winslow, A. Jacobs, Howard Fordyce, Albert Goodyear, Charles Mills, Harry Blair.

The PRESIDENT: The question is on the suspension of the rules to consider this resolution.

The rules were suspended.

The PRESIDENT: The question is now on the adoption of the resolution and the secretary will call the roll.

The yeas and nays were taken, and resulted—yeas 62, nays none, as follows:

Those who voted in the affirmative are:

Anderson,	Hahn,	Longstreth,
Baum,	Halfhill,	Ludey,
Brown, Lucas,	Harbarger	Malin,
Cassidy,	Harris, Ashtabula,	Marshall,
Collett,	Harter, Huron,	Matthews,
Davio,	Hoffman,	McClelland,
DeFrees,	Hoskins,	Miller, Crawford,
Doty,	Hursh,	Miller, Fairfield,
Dunlap,	Johnson, Madison,	Miller, Ottawa,
Earnhart,	Johnson, Williams,	Moore,
Evans,	Kerr,	Okey,
Warrnsworth,	Knight,	Pierce,
Farrell,	Kunkel,	Price,
Fess,	Lampson,	Rockel,
Witz-Simons,	Leete,	Roehm,
Fox,	Leslie,	Shaffer,

Address of President—Adjournment.

Shaw,  
Smith, Geauga,  
Solether,  
Stevens,  
Stokes,

Taggart,  
Tannehill,  
Thomas,  
Wagner,  
Walker,

Watson,  
Winn,  
Wise,  
Mr. President.

So the resolution was adopted.

Mr. DOTY: I call for the reading of today's journal.

The journal was read.

VICE PRESIDENT FESS [in the chair]: You have heard the reading of the journal and if there is no objection or correction it will stand approved as read.

Mr. KERR: Will there be a copy of that furnished to each member to add to the journal he now has?

Mr. DOTY: Yes.

The VICE PRESIDENT: The chair recognizes the delegate from Hamilton [Mr. BIGELOW].

The PRESIDENT: Members of the Convention profoundly realize that the state of Ohio is at present facing a most important duty and opportunity. We believe we voice the sincere sentiment of an overwhelming majority of this Fourth Constitutional Convention of Ohio when we say that the issue at stake is real representative and progressive government. We look forward to next Tuesday certainly not without hope; but we are more impressed than ever before with the power of the enemy.

We believe that the opposition has not been fair, that questionable methods have been used to misrepresent the work of this Convention, not to enlighten but to confuse the voters of this state. I do not wish to sound any note of discouragement, yet I want to express what I believe to be the feeling of many delegates here, that the issue is at this hour in doubt. A few weeks ago it seemed inconceivable that such forces could have been marshalled or such an impression made, but with the

money to fill the country newspapers with "boiler-plate," with the means to send agents all over this state, to make even a house-to-house canvass of misrepresentation, with the line so tightly drawn that even today in my city certain large employers try to lock their men in their factories to prevent the men from hearing the speeches of those who are trying to explain these issues that the men may intelligently vote next Tuesday, we close this Convention with some misgivings. We know that next Tuesday is going to be a real battle. We believe that the power of money is on one side and the enthusiasm for liberty on the other. All we can do is to put forth our best efforts between now and next Tuesday, knowing that if the issue is decided in favor of the work of this Convention the door will be open for progressive and real representative government, but that if the issue goes against us next Tuesday the opportunity passes from the people of this state for another twenty years, because these opportunities cannot come again within the lifetime of many of us here—not for two decades. We go forth to battle next Tuesday with a sense of our obligation to the cause of progressive government and to the future of this state, bound to take our place upon the firing line and fight, even as we know we are fighting, for the good of the state of Ohio and for the good of our children. And with this determination, even with our knowledge of the power of the enemy, we go forth with the conviction that we are right and that truth will prevail. I now move that this Convention do finally adjourn.

Mr. DOTY: I second the motion.

The VICE PRESIDENT: It is moved and seconded that the Fourth Constitutional Convention of Ohio do now finally adjourn. Those in favor of the motion will say aye and those opposed no. The motion is carried and this Convention is finally adjourned.

## ERRATA

- Page 147. Change "Resolution No. 36" to "Proposal No. 6."  
Page 675. Change "Folks note" to "Folkmoot."  
Page 794. In remarks by Mr. Harris change "except" to "except."  
Page 942. Insert quotation marks after the last word of Mr. Bigelow's address.  
Page 1139. Column two, remarks by Mr. Doty change "motion" to "resolution."  
Page 1195. Change "The proposal was read the second time" to "The question being, 'Shall the minority report be substituted for the majority report?'"  
Page 1235. Change "Thorn" to "Thorne."  
Page 1262. First column, line 9, insert "the crime" after "commits."  
Page 1493. After remarks by Mr. Crosser, insert "The amendment was laid on the table."

## OMISSIONS FROM RECORD

The following items were not included in the manuscript record. They should appear as indicated below:

Page 126. Preceding "Resolution No. 40—Mr. King was taken up" insert:

Resolution No. 39—Mr. Doty, was taken up.

On motion of Mr. Doty the resolution was referred to committee on Rules.

Page 552. After the verification of the roll call, insert:

So the proposal passed as follows:

Proposal No. 100—Mr. Fackler.

"To submit an amendment to article IV, section 9, of the constitution.—Relative to justice of the peace.

*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:

### ARTICLE IV.

SECTION 9. A competent number of justices of the peace shall be elected by the electors in each township in the several counties. Their term of office shall be four years and their powers and duties shall be regulated by law. Provided that there shall be no justices of the peace in any township where a court, other than a mayor's court, is or may hereafter be maintained with the jurisdiction of all causes of which justices of the peace are given jurisdiction, and no justices of the peace

shall have or exercise jurisdiction in such township."

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

Page 565. Preceding "Reports of standing committees" insert:

### REFERENCE TO COMMITTEES OF PROPOSALS.

The following proposals were read by their titles and referred as follows:

Proposal No. 280—Mr. Earnhart. To the committee on Taxation.

Proposal No. 281—Mr. Eby. To the committee on Miscellaneous Subjects.

Proposal No. 282—Mr. Miller, of Ottawa. To the committee on County and Township Organization.

Proposal No. 283—Mr. DeFrees. To the committee on Taxation.

Proposal No. 284—Mr. Crosser. To the committee on Municipal Government.

Proposal No. 285—Mr. Miller, of Crawford. To the committee on Legislative and Executive Departments.

Proposal No. 286—Mr. Thomas. To the committee on Legislative and Executive Departments.

Proposal No. 287—Mr. Thomas. To the committee on Judiciary and Bill of Rights.

Proposal No. 288—Mr. Harter, of Stark. To the committee on Legislative and Executive Departments.