

# EIGHTIETH DAY

## MORNING SESSION:

SATURDAY, June 1, 1912.

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

The journal of yesterday was read and approved.

Mr. DOTY: I have just communicated with the printer, and the resolution for our signatures will be here at eleven o'clock. When I gave him the copy last night at midnight he promised then that it would be here at eleven o'clock, and he has been there himself doing nothing else. That is the reason the printed journal has not been sent up yet. The rearrangement suggested by the delegate from Lorain can be done, and the printer will have it rearranged this morning.

Mr. STOKES: I have a report to make.

The report was read as follows:

The members of the banquet committee, in pursuance of a motion adopted at the Constitutional Convention banquet, beg leave to report that they have selected Frank Taggart, of Wayne county; Simeon D. Fess, of Greene county, E. W. Doty, of Cuyahoga county; E. L. Lampson, of Ashtabula county, and John W. Winn, of Defiance county, as the reunion committee for the ensuing year.

The report was ordered spread on the journal.

Mr. Cassidy offered the following resolution:

Resolution No. 142:

*Be it resolved*, That the following bills be allowed and paid:

A. Rosnagle & Co., supplies.....	\$7.00
The Frank P. Hall Co., supplies.....	34.70
J. C. Sherlock, hauling and repairs.....	2.50
Harris & Company, thermometers.....	3.00
The Beggs Company, labor and supplies	22.54
The Crystal Ice Manufacturing & Cold Storage Co., water.....	33.00
The Columbus Ice Co., ice.....	81.91
A. H. Smythe, supplies.....	19.25
The Wendt-Bristol Co., supplies.....	72.10
W. C. Wetherholt, repairs.....	2.00
Minnie Rodgers, typewriter rental.....	18.00
Max Schmidt, plumbing.....	10.20
Columbus Citizens Telephone Co., toll and rentals .....	149.70
John L. Baum, freight and expenses....	1.75
The Erner & Hopkins Co., supplies....	1.50
The Bryce Bros. Co., supplies.....	.40
The Western Union Telegraph Co., telegram .....	.25
The MacDonal Stationery Co., supplies	2.30
A. H. Smythe, supplies.....	.90
Remington Typewriter Co., rental.....	7.50
Western Union Telegraph Co., syno-chronized time service and telegram..	5.25
Remington Typewriter Co., rental.....	6.00

Central Union Telephone Co., toll and rentals .....	183.80
The Crystal Ice Mfg. Co. & Cold Storage Co., water .....	37.00
The secretary of state, supplies.....	248.06
The F. J. Heer Prining Co., printing..	375.15
Fred H. Tibbetts, printing.....	5.25
The Morehouse-Martens Co., supplies..	86.99
The W. H. Anderson Co., supplies.....	70.00
Charles W. Kempel, clerk typewriter rental .....	7.50
E. H. Sells & Co., rentals.....	3.00
Minnie Rodgers, typewriter rental.....	2.10
United States Telephone Co., toll.....	135.71
Underwood Brothers, flowers, etc. ....	21.00
The Troy Laundering Co., laundry.....	50.95

The committee on Claims Against the Convention recommends the payment of the bills included in Resolution No. 142.

The rules were suspended and the resolution considered at once.

The yeas and nays were taken, and resulted—yeas 93, nays none, as follows:

Those who voted in the affirmative are:

Antrim,	Halfhill,	Peck,
Baum,	Harbarger,	Peters,
Beatty, Morrow,	Harris, Hamilton,	Pettit,
Brown, Highland,	Harter, Huron,	Pierce,
Brown, Lucas,	Harter, Stark,	Price,
Brown, Pike,	Henderson,	Redington,
Campbell,	Holtz,	Riley,
Cody,	Hursh,	Rockel,
Colton,	Johnson, Madison,	Roehm,
Cordes,	Johnson, Williams,	Rorick,
Crites,	Keller,	Shaffer,
Crosser,	Kerr,	Shaw,
Cunningham,	Kilpatrick,	Smith, Geauga,
Davio,	King,	Smith, Hamilton,
DeFrees,	Knight,	Stalter,
Donahey,	Kramer,	Stamm,
Doty,	Kunkel,	Stevens,
Dunlap,	Lambert,	Stewart,
Dunn,	Lampson,	Stilwell,
Dwyer,	Leete,	Stokes,
Earnhart,	Longstreth,	Tallman,
Eby,	Ludey,	Tetlow,
Elson,	Malin,	Thomas,
Evans,	Marshall,	Ulmer,
Farnsworth,	Matthews,	Wagner,
Farrell,	Miller, Crawford,	Walker,
Fess,	Miller, Fairfield,	Watson,
FitzSimons,	Miller, Ottawa,	Winn,
Fluke,	Moore,	Wise,
Hahn,	Okey,	Mr. President.
Halenkamp,	Partington,	

The resolution was adopted.

Mr. CASSIDY: I submit the following report:

The standing committee of Claims against the Convention, to which was referred Resolution No. 136—Mr. Peters, having had the same under consideration, reports it back without recommendation.

Resolution for Payment of Claims—Submission of Amendments to the People.

The SECRETARY: It is a resolution providing for payment for the group picture, \$292.

Mr. PETERS: This is for the getting up of that picture. I am informed that the picture cost about \$750 to get up, and it is a question of whether we want to purchase it and leave it in the hall or not.

Mr. PECK: If we want to perpetuate ourselves we should pay for it ourselves and not ask the state to do it.

Mr. DOTY: Of course, we could pay for it ourselves. We are getting such large salaries that we could do that and pay all of our board bills and then we would have enough to get home on. If the state of Ohio in the generations to come want to look at my picture as a member of the Constitutional Convention, they will have to pay for it. If they want me to pay for it, I say right now it won't go. They have got me on those group pictures about three times already, and I don't care to pay for another time.

Mr. COLTON: How is that done in the legislature?

Mr. ANTRIM: I understand that the legislature pays about \$300 for the group pictures. We are getting an \$8.00 discount.

Mr. LAMPSON: The gentleman does not take into account the superior character of the subjects?

Mr. DOTY: I did.

Mr. WINN: How were those pictures that you know about paid for by the state, Mr. Doty?

Mr. DOTY: Every one of them was paid for by the state. My picture has been paid for three or four times.

Mr. WINN: What has been the practice of the legislature?

Mr. DOTY: For the state to pay.

The question being "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 91, nays 4, as follows:

Those who voted in the affirmative are:

Anderson,	Halfhill,	Nye,
Antrim,	Harbarger,	Okey,
Baum,	Harris, Ashtabula,	Peters,
Beatty, Morrow,	Harter, Huron,	Pettit,
Beyer,	Harter, Stark,	Pierce,
Bowdle,	Henderson,	Price,
Brown, Highland,	Holtz,	Read,
Brown, Lucas,	Hursh,	Redington,
Brown, Pike,	Johnson, Madison,	Riley,
Campbell,	Johnson, Williams,	Rockel,
Cody,	Kehoe,	Roehm,
Collett,	Kerr,	Rorick,
Colton,	Kilpatrick,	Shaffer,
Cordes,	King,	Shaw,
Crites,	Kramer,	Solether,
Davio,	Kunkel,	Stamm,
Doty,	Lambert,	Stevens,
Dunlap,	Leete,	Stewart,
Dunn,	Leslie,	Stilwell,
Dwyer,	Longstreth,	Taggart,
Earnhart,	Ludey,	Tallman,
Eby,	Malin,	Tetlow,
Evans,	Marriott,	Thomas,
Fackler,	Marshall,	Ulmer,
Farnsworth,	Matthews,	Wagner,
Fess,	McClelland,	Walker,
FitzSimons,	Miller, Crawford,	Watson,
Fluke,	Miller, Fairfield,	Winn,
Fox,	Miller, Ottawa,	Wise,
Hahn,	Norris,	Mr. President.
Halenkamp,		

Those who voted in the negative are: Cassidy, Elson, Peck, Woods.

So the resolution was adopted.

Mr. JOHNSON, of Williams: I move that the vote tabling Resolution No. 133 be reconsidered.

The PRESIDENT: The member is in error as to the number. It is Resolution No. 141.

Mr. JOHNSON, of Williams: I voted against it thinking I was wrong at the time, and I move to reconsider the vote by which it was defeated.

The PRESIDENT: This is the resolution concerning the work of publication which was defeated last night, and the gentleman from Williams moves that this action be reconsidered.

Mr. FESS: Last night in our hurry to get through with our work we took a vote that I believe we would be glad to reconsider, and I only want to make a statement similar to the one I made last evening. If we adjourn without anything at all being set out by this Convention as evidence of our work here I think it would be closing our work with a mark of disrespect to ourselves as well as with little regard for the voters of the state. I do not believe any other convention ever closed in any such way. The federal convention, the greatest in the history of this country, that was composed of fifty-five members, many of whom were in the second continental congress, about which William Pitt made the most eloquent reference that has been made regarding anything of its kind in the world, closed its work on the 17th of September, 1787, after having been in continuous session from the 25th of May, but it closed its work by sending a letter from the convention, written by the president of that convention, General Washington, and also having a letter written by the secretary, Mr. Jackson, calling upon the states to give it the closest and most careful consideration, in the hope that the work would not be repudiated. You remember that Benjamin Franklin made the statement that "In all probability the work we have done is not satisfactory to the people at large," and he said, "Indeed, it is not satisfactory to me. I should like very much to have had some changes, but it has been the best we could get." And he asked that it be regarded carefully. Benjamin Franklin was the oldest man in the convention, and he was the philosopher of his time, and I do not believe made any blunder. But I believe you will recall one of the most spectacular moments in that convention, when a member in his anxiety to quit arose and made a motion to adjourn. General Washington, the president of the convention, had not spoken upon the occasion of the meeting of the convention up to this time, and when this member in his desire to adjourn made the statement, "We have been here behind closed doors until the people at large are wondering what we have been doing," and he moved that the convention adjourn. It was on that occasion that General Washington spoke, and these were his words: "Gentlemen of the convention, if we do that now, which we cannot endorse, what will be our attitude when we return to our homes and are called upon to give an account of our work? Let us lift the standard so high that all the good can repair to it. This is not the work of man, the hand of God is in this thing." That was the only time that General Washington spoke during that convention, and the motion to adjourn was withdrawn. I mention these things, men, to indicate to you the temper of that convention, the greatest in the history of the

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world. They were ready to adjourn without giving complete consideration to their work. I do not believe the Fourth Constitutional Convention of Ohio desires to close its work without putting its work before the people that they may study it, and to submit nothing more than the amendments—just print nothing more than the amendments, and you have not even provided for that, you have voted down everything,—but to do nothing more than to print the amendments you might as well burn them up or throw them into the river, for the people will care very little about reading them. I hope you will reconsider this motion, and if you do I want to offer an amendment whereby we can print a naked statement of the work and have it signed by as many members of this Convention as will sign it, with the understanding that if we do not get the signatures of a majority nothing is to be sent out. It seems to me that will be absolutely fair, and I hope you will reconsider this matter.

Mr. KNIGHT: I know nothing that has been said by anyone in the Convntion that would create the impression that this Convention does not want to send out some form of address to the people. The bone of contention was as to the method or manner of doing that. I fully agree with the main points made by the gentleman from Greene, that this Convention owes it to the people of the state of Ohio to give to them in some form some information about this constitution, and I believe that what was done last evening was done because it was felt undoubtedly by a majority of this Convention that the resolution offered did not do or propose to do that which was wise for the Convention to do as to that form. I am very certain that there can be few, if any, in this Convention who feel that we ought just to quit without some form of address to the people. I therefore hope that the motion to reconsider will prevail and that the members of this Convention may be able, as they ought to be, to get together on some form of address and some form of instruction that will satisfy everyone.

Mr. RILEY: Are you aware that the convention of 1851 adjourned without doing anything except ordering a few thousand copies of the constitution to be printed?

Mr. KNIGHT: Yes.

Mr. RILEY: Yes, and the constitutional convention of 1874 directed an address to be prepared that was ineffective and the constitution was defeated.

Mr. KNIGHT: I am aware of that fact, but that does not answer the point here. I think the matter should be reconsidered and the address, in which we should all have a hand, gone into.

Mr. HARTER, of Huron: I have been requested from the neighboring city of Huron by the superintendent of schools to explain this constitution. They are in touch with all of these things, but they don't understand them. Take that Knight proposal. That was misrepresented, and yet when it was properly explained it went in. It seems to me that the statements made should be just plain, simple statements as to the aim to be accomplished by these amendments, without any argument for or against.

Mr. HALFHILL: I have great respect for the views of the learned member from Greene county [Mr. FESS], but it seems to me that the parallel he makes between our work and that of the national constitutional convention is pretty far-fetched. Of course I would

be glad to be in that same class. However that may be, at that particular time about all of the constitutions that we knew anything about were the things that had come to us from the English kings in the form of charters, and it is true that one or two or three of the states had in some instances modified those rules. Pennsylvania had a sort of a constitution with a single house. But the question of written constitutions was an entirely new one, and it originated altogether because of the ineffective condition of the old articles of confederation, so that I say the parallel is pretty far-fetched.

We did not have at that time newspapers or telegraphs, and with apologies to the learned gentleman from Hamilton county [Mr. BOWDLE], did not have aeroplanes or aerograms as a means of disseminating intelligence.

Now the situation is we have voted down this report, and have done so properly, because this committee upon Submission, if it had desired to have the indorsement of the Convention, should have had its plan here for approval. It had as much time as the other committees of the Convention, and its work was not to be acted upon until the last day, and it should have been brought here and had the approval of the Convention before it goes out. Now we are asked to inaugurate a bureau and keep this Convention in force through its bureau, and send out something that the Convention is responsible for, and yet that it does not in fact authorize. This report being voted down, it is now in order for somebody to present a resolution authorizing the secretary of state to publish the work of this Convention in pamphlet form, and to attach thereto some reasonable statement, if necessary, explaining that work. The question is, Why has not that statement been prepared, and is there not such a statement in existence? A couple of weeks ago I got as a supplement to a newspaper a very fair and judicial statement of the work of this Convention, which I understood was the voluntary contribution of the secretary to the publicity of the Convention. Every one of the proposals had been gone over in review and a careful explanatory statement was set forth.

The time of the gentleman here expired.

Mr. COLTON: I hope this motion will not prevail. It seems to me that the resolution voted down last night was a very inappropriate one. I do not believe that we can send out attached to the various proposals or amendments which have been passed by this Convention any statement prepared as suggested in the resolution that will be fair. For my own part, I will not have any part in preparing such a statement. I doubt whether any of you, when the question is put to you, would be willing to prepare a statement over your own signature and send it out with the statement that it is fair.

We are so widely divided in opinion with respect to many of the amendments that it is impossible for anyone to prepare a statement which all would regard as fair. We would be charged with having said too much about certain parts and too little about others, and with having failed to emphasize certain points that we ought to emphasize. Again, take Proposal No. 329. What explanation does that need? It is comprised in two lines and no one reading it finds any explanation necessary. The same is true of many amendments. I shall submit the following in place of the resolution:

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*Resolved*, That the secretary of this Convention be authorized and directed to prepare a pamphlet in which shall be printed the present constitution of the state and the amendments proposed thereto by this Convention, and that the secretary of state is hereby authorized to print the same and send a copy of it so far as practicable to every elector in the state; said work to be done at the earliest possible time.

I have included in this a copy of the present constitution. If you go among the people and try to find copies of the state constitution, you will find that it is exceedingly rare. You will find ten copies of the constitution of the United States among the masses of the people where you will find one copy of the constitution of Ohio. The constitution of the United States is printed in the histories of the United States, and the histories of the United States are in every home, while the histories of Ohio are very rare, and I think the constitution of the state should be printed in connection with these amendments in order that the people may compare each amendment with the section that is amended.

Mr. FESS: You ask what explanation will be needed of Proposal No. 329: That is one of the proposals I had in mind. It is as clear to us as any proposal I know of, and yet no proposal has met such a variety of opinion.

Mr. COLTON: It has been misrepresented in the press, but when the pamphlets containing the amendments are distributed over the state I think such misrepresentation will cease. We can depend upon the advocates of each measure to put their side before the people, and we may depend upon those who oppose the different amendments to put their side before the people, and thus through the newspapers, it seems to me, it should be fairly represented on both sides, but I do not believe that we as members of this Convention can do anything in connection with these individual amendments. I am sorry that the committee on Submission did not prepare an address which we could adopt as a Convention, thus eliminating all individual statements.

Mr. SMITH, of Hamilton: I hope that this motion to reconsider will prevail. I do not think there should be any argument made in the address, but there certainly should be a statement of facts as to the changes proposed. There have been proposals presented in this Convention and arguments given in support of them and sometimes half of the members of the Convention did not know the meaning of the proposal until after the explanation of the gentleman offering it. Take the amendment which I was particularly interested in for example—Judge Taggart's proposal as to method of amending the constitution. That was a proposal of forty lines. I venture to say the average citizen of the state could read that proposal two or three times and not understand exactly the effect of it. The vital change in that proposal consists of the change of one word, and many people would be apt to miss it. Just two lines of explanation would make that proposal absolutely clear to the people. It would do to simply say that the change that the Convention made was to provide that the majority of those voting on any question should decide it instead of a majority of those voting at the election. There is surely no harm in making a statement of that kind in our address to the people. Last night I was

greatly disappointed to hear gentlemen say that money used to educate the people on our work was money wasted. I think money spent for education of any kind is money saved. One dollar spent in educating the people and telling the people about the work of this Convention and the great task we have tried to do will come back to the state an hundredfold.

Mr. ANDERSON: I hope that the motion to reconsider will prevail. The suggestion of those who seek the reconsideration is to print all of this I have in my hand and considerably more, and send that to each voter in the state of Ohio. Now you must remember that we have obtained considerable education in the months we have been here before this Convention. Just imagine yourself, with the information you had before you came here getting this sent to you as a voter and then trying to dig out what it all means. Stop and think a minute. See if you can do it. You cannot do it. For instance, take the initiative and referendum proposal, Proposal No. 2, which covers five pages. A gentleman sitting in some farm house after a day's work has been done, is trying to work out what that means by reading the five pages; who can, under such circumstances, understand what it means?

Take Mr. Mauck's blue-sky law. How will they understand that? Three hundred words of explanation will let everybody understand it thoroughly. And so on as to every proposal.

Mr. MARSHALL: Suppose you were going to write three hundred words in explanation on the proposal to license the traffic in intoxicating liquors and Judge King would go into another room and do the same. How close do you think those things would come together?

Mr. ANDERSON: If we both did it fairly, which I think we would, there wouldn't be enough difference between the two to notice it.

Mr. DOTY: He couldn't find it out anyhow, could he?

Mr. ANDERSON: If there were differences, you couldn't discover them.

Mr. EVANS: I think we owe it to the people of the state of Ohio to inform them of our work. I am sorry I was put on the committee on Submission and Address to the People. I would rather not have been on it, but I am on it and I signed that report. I am willing to stand by it, but I am not willing to attempt to bunco the people of the state of Ohio. I happened to be talking to two gentlemen Friday morning and they said to me, "Are you not going to let us know why you did these things; are you not going to have some kind of an address?" I replied, "I don't know." One of the gentlemen said, "You owe it to us to do it." That is the tendency now in all initiative and referendum measures. You very well know that there are three or four proposals that I would not vote for, but I approve of most of them. I think they ought to pass, but I think we owe it to the people of the state of Ohio to explain the reasons for them, and I think all the members of this Convention are gentlemen, and I am willing to treat them as gentlemen any time, and I think we can trust eighteen of them and the chairman of these several committees and the authors of these several proposals to state the matter fairly to the people. I think we owe it to the people. We are about to adopt the system of initiative

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and referendum by which we bind ourselves whenever we submit a measure to explain it, to give a candid, impartial statement of it. Now, why don't we do it? It would be an insult to the people of the state of Ohio to submit this constitution to them without any information or any explanation. This is a day of discussion of public matters, and we ought to give them full explanation.

Mr. OKEY: I voted against this proposition last night because I didn't approve of the manner proposed, and I will vote now for a reconsideration of it in order that we may have the proposition before the Convention. I think the Convention has the power to designate how this shall be brought before the people. I am in favor of a committee being appointed by this Convention. Let the powers of that committee be limited, and let this Convention instruct that committee as to the extent of the explanation that each proposal shall have. Let us have an analysis of each proposal and not an argument.

Mr. JOHNSON, of Williams: When my friend from Hamilton county [Mr. BOWDLE] said that we have a court room environment and a street environment and a constitutional convention environment, I thought I might get used to the constitutional environment by the time we hold the next convention. I am not used to being on my feet. I have not talked half an hour at a time for a quarter of a century. I guess it is good for the Convention that I have not been accustomed to that. I moved to reconsider this resolution because I was in favor of it in the first place, but I didn't like it because it proposed that I should take care of my own proposal, which passed this Convention and for which I thank the gentlemen, not because you did me a favor, but because I think you did the people of the state a favor in passing it.

I have been surprised at the charges and counter-charges that have been made in this Convention in more than four months. I still believe that a majority of the Convention want to be honest. I believe I can write all of these papers, though I do not wish to. I was even going to ask that someone else be designated to write concerning my proposal, but I believe, without conceit, that I can say I have made that a study for some years and can write that as well as any gentleman on the floor of the Convention. I believe I can explain it so that you would not know which side of the proposition I was on, and still have the information for the voters. I do not like the limitation of three hundred words.

Now, take the word "white" in the constitution. The gentleman from Mahoning has told us that there is not a state in the Union that has it there. If that is correct, what harm does it do simply to say the word "white" is to be stricken out because of the national constitution? That is all of the statement necessary as to that. And so as to a good many other of these.

The PRESIDENT: The gentleman's time is up.

Mr. LEETE: Mr. President and Gentlemen of the Convention: I wish to say but a few words relative to personal experience in the last few weeks. Each Friday and Saturday while this Convention has been going on I have been out among the miners and among the coal diggers of the southern part of the state. When I would go out to the mines the men would gather around me and ask questions regarding certain proposals. They

didn't understand them. One would say, "What is this about the initiative and referendum? We never heard of the indirect initiative and referendum. What is it?" I would take time and explain it to them and many times I would take nearly an hour explaining things to these men. They seemed very anxious to find out every thing they could about the constitution. I was in a bank one day about four weeks ago and the banker said, "You folks have passed the initiative and referendum. I am against it." I said, "Have you read it?" He said, "No, but I am against it; the name itself is enough to condemn it." I then asked him if he had heard of the indirect initiative and he said that he did not know. I kept on talking to him for ten minutes and explained it to him and he said it was all right. It is just so with a great many other proposals here. The people do not know what they are. I do hope that this Convention will send out some explanation of what each proposal is and what it will do, and I hope you will reconsider this.

Mr. PARTINGTON: Each week when I return to my people in Shelby county I do not see how members of this Convention can give the people of this state of ours so little credit as to think they don't know anything. Down in my section of the state the high school pupils have been debating these questions. The teachers in their organization have taken these questions and the people of my county know more about this constitution than some of the members of the Convention give them credit for. I for one do not fear that this constitution of ours will fail before the people. Half the members of this Convention assume that if we do not send out some few trivial statements in regard to these propositions that the people will not know about them or talk about them and will be ignorant of them. How many such voters do you think you can find in the state of Ohio? What is the percentage of illiteracy?

Now, here is a supplement prepared by the American Press Association of Columbus. These statements have been spread broadcast and I feel honestly that seventy-five per cent of the homes of Shelby county will have this sheet in it. I believe the same ratio, or almost that same ratio, will obtain throughout the rest of the state, and that shows that the people of Ohio are not so ignorant as some of the people think they are.

Mr. PECK: I think we ought to send some sort of a statement to the people. I think the people expect it and the act under which we met provides for an address to the people. Our address should contain in brief terms, an explanation of what we have done and why we have done it. Everyone of you knows that when a proposal was put before this Convention the first thing that was done was to have the author of the proposal take the stand and explain the whys and wherefores of it, and everyone of you knows, when he was through with the explanation, we understood it a great deal better than we did by just referring to the printed proposal. That custom was a good custom, having it explained at the outset. That is what the people of Ohio want. They want to know why this proposal was put forward and why it was necessary. I say the custom of this Convention was to have the proposals explained by the author, and the reason for that was the very reason why the people should have the proposals explained to them. They want to know the whys and the wherefores. Why

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did you pass this? What was the occasion for it? What were the underlying circumstances surrounding it? Those are the things they want to know, and those should be indicated in the circular which we send to the people.

Mr. PIERCE: I think we are probably as well able to vote intelligently upon this question now as we will be at any time and I move the previous question.

The main question was ordered.

Mr. MARRIOTT: I move that the motion to reconsider be laid on the table.

Mr. FESS: I make the point or order that the previous question having been ordered this motion is out of order.

The PRESIDENT: The point is well taken. The question is "Shall the motion be reconsidered?"

The yeas and nays were taken, and resulted—yeas 80, nays 30, as follows:

Those who voted in the affirmative are:

Anderson,	Harter, Huron,	Pettit,
Beyer,	Harter, Stark,	Pierce,
Bowdle,	Henderson,	Read,
Brown, Lucas,	Hoffman,	Redington,
Cassidy,	Hoskins,	Rockel,
Cordes,	Hursh,	Roehm,
Crites,	Johnson, Madison,	Rorick,
Crosser,	Johnson, Williams,	Shaffer,
Davio,	Jones,	Shaw,
DeFrees,	Kerr,	Smith, Geauga,
Donahey,	Kilpatrick,	Smith, Hamilton,
Doty,	King,	Stamm,
Dunn,	Knight,	Stevens,
Dwyer,	Lambert,	Stewart,
Elson,	Lampson,	Stilwell,
Evans,	Leete,	Stokes,
Fackler,	Leslie,	Tallman,
Farnsworth,	Longstreth,	Tannehill,
Farrell,	Ludey,	Tetlow,
Fess,	Marshall,	Thomas,
FitzSimons,	Matthews,	Ulmer,
Fluke,	Mauck,	Wagner,
Fox,	Miller, Crawford,	Watson,
Hahn,	Miller, Fairfield,	Winn,
Halenkamp,	Okey,	Wise,
Harbarger,	Peck,	Mr. President.
Harris, Hamilton,	Peters,	

Those who voted in the negative are:

Antrim,	Earnhart,	McClelland,
Baum,	Eby,	Miller, Ottawa,
Beaty, Morrow,	Halfhill,	Norris,
Brattain,	Harris, Ashtabula,	Nye,
Brown, Pike,	Holtz,	Partington,
Cody,	Kehoe,	Price,
Collett,	Kramer,	Riley,
Colton,	Kunkel,	Stalter,
Cunningham,	Malin,	Walker,
Dunlap,	Marriott,	Woods.

So the motion to reconsider was carried.

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

Mr. FESS: I move an amendment that I suggested a moment ago.

The amendment was read as follows:

Add to the end of the resolution:

"Provided further, that the member from Guernsey and the member from Portage be appointed to draft the explanation of the taxation proposal, and provided that no pamphlet be sent out by the secretary of state which does not con-

tain the autograph signatures of at least a majority of the delegates of the Convention and that no other matter be sent out which has not first been mailed to all the delegates and has received the written approval of at least a majority of the delegates."

Mr. FESS: This is offered in the hope that every member of the Convention will believe that it is absolutely fair and that there is no desire whatever to take any advantage of the people or to give any undue advantage to any proposal or any part of the people in the Convention. It is drafted in the hope that it will be looked upon as an absolutely fair and square proposition. The few members that are named it might be thought would suggest some partiality, but that is not meant at all. It is simply to answer the criticism that was offered as to who would write the explanation of the taxation proposal. This is not done for any other purpose than to put the persons making the explanation in harmony with the tax proposition. I hope this will not be resented by the minority.

Mr. DOTY: It will not be resented by the chairman of the committee. I have given all that up, you may be sure.

Mr. FESS: The other point is that no document should be sent out until after it is signed by a majority of this body.

Mr. DOTY: Do I understand your amendment to propose to have the autograph signatures printed in the pamphlet?

Mr. FESS: I presume they will be printed in the pamphlet.

Mr. DOTY: On that I want to call attention to the fact that you are going to print a million and a half.

Mr. FESS: I don't think we want the names printed. I don't understand that. I don't care about paying for a lot of space like that. The matter that is to be sent out is a matter that has been indorsed by a majority of the Convention.

Mr. MILLER, of Ottawa: Are these proposals to be offered with the signature of every delegate?

Mr. FESS: Opportunity will be given to every delegate to sign, and if it does not get a majority it is not to be sent out.

Mr. HALFHILL: Does your proposed action there contemplate that the individual members at their homes or other places shall sign something and send it in here and then that will be sent broadcast as the action of the Convention?

Mr. FESS: That is to be determined afterwards. If we want to come back in two weeks from now all right; otherwise it will have to be signed at their homes and sent out.

Mr. HALFHILL: Why would it not be the proper thing and the judicious thing to adjourn the Convention, until a week from Monday say, and then come back and finish the work?

Mr. FESS: That is a pretty serious matter and one that should be considered. Then if anything should develop that needed attention we could attend to that.

Mr. HALFHILL: I do not think it is wise to leave any bureau of the Convention here during the summer.

Mr. FESS: I am getting tired of the fact that nothing can be done without suspicion being centered on

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somebody. There is nothing of that sort here. We do not want to make it impossible for us to correct an error that may have crept in here when we can easily correct it if we know its existence.

Mr. HALFHILL: My question is not a question of suspicion, but a question of political sagacity. Do you want to keep the Convention here in order to draw the fire of the people to the Convention, or do you want to submit its work and let its work be discussed?

Mr. FESS: You are a lawyer making everything possible out of the practice of the law. We can adjourn today, but not adjourn sine die. We can come together at any time hereafter; any number less than a quorum can adjourn the Convention from day to day, and I insist that we should not adjourn sine die because something might come up.

Mr. HALFHILL: I grant that. Have you read Resolution No. 134?

Mr. FESS: Yes.

Mr. HALFHILL: In your judgment was not Resolution No. 134 on this submission question framed so that they coordinate together—

Mr. FESS: Resolution No. 134 is not being discussed and when it comes up I shall probably vote against it.

Mr. HALFHILL: I just asked you if they do not coordinate?

Mr. FESS: That is not now being discussed. Now just one other question. My friend from Shelby intimates that we are insinuating that the people do not understand the thing and he says that he goes home weekly. Let me tell you, if this will not be regarded too personal, since the twenty-first of May I have been in Junction City, Kings Mill, Eaton and dozens of other places throughout Ohio, and the question that was being discussed everywhere was the work of this Convention. We have heard it discussed much, but I find that a good deal of explanation is required to clear up errors.

Mr. WOODS: I want to make a point or order. I object to some members of the Convention being given all the time they want to take and others being held down to five minutes.

Mr. COLTON: I offer an amendment.  
The amendment was read as follows:

Strike out the resolution and the pending amendment and insert the following:

*Resolved*, That the secretary of this Convention be authorized and instructed to prepare a pamphlet in which shall be printed the present constitution of the state and the amendments proposed thereto by this Convention, and that the secretary of state be and is hereby requested to print the same and to send a copy of it, so far as practicable, to every elector in the state, said work to be done at the earliest possible time.

Mr. NYE: Mr. President and Gentlemen of the Convention: It has been repeatedly said here by those who oppose this original resolution that we are opposed to the work of this Convention. For myself and in behalf of many others I want to say that that is not an accurate statement. I am for the work—most of the work—of this Convention, as I suppose every other member is, and I want that work to be adopted. The gentleman

from Greene [Mr. FESS] has said that the great Convention which prepared the constitution of the United States prepared an address to the people. That is what I want this body to do. Four and a half months ago a committee was appointed consisting of the president, the vice president and fifteen other men as a committee on Submission and Address to the People, and we ought to have that address to send out to the people. The thing that I am objecting to is to forming a board of publicity that this Convention knows nothing about and having that board send out what is provided by the resolution which is prepared here and which we are asked to adopt.

Mr. PECK: Will you allow me a question? How could the committee on Submission prepare an address describing the work of this Convention until the work was done?

Mr. NYE: It is done now, and if it is necessary for the Convention to adjourn one week or two weeks to have it prepared and then come back here and adopt it, I am in favor of doing that, although I would like to be at home as well as any member here. But whatever is done ought to be the act of the Convention.

Mr. FESS: Do you think the resolution I have just introduced presupposes a better distribution to be in existence?

Mr. NYE: I would not object to the part you tacked on to the resolution, but it is tacked on to a resolution which has been reconsidered and that is now before the Convention. That is the reason I object to it. I think anything that goes out should be drafted and adopted by the Convention and should go out as the act of the Convention, and it should not be left to a board consisting of somebody and the rest of the Convention not know anything about what goes out.

Mr. DWYER: If we here outline our idea of what this address ought to contain and let it be prepared and come back two weeks from now and adopt it, would not that be the proper thing?

Mr. NYE: That is the very thing that I am suggesting. I would be willing to come here at my own expense. I do not think that we ought to hurry the end of this work of the Convention. I know it is nearly eleven o'clock Saturday, but that is no reason why we should hurry this. We have spent five months here, lacking a single week, but I believe that we had better adjourn over to have what we do approved by the people. That is what I am in favor of. If the address is not ready, let us get it ready. We have a committee—and I am not finding fault with any person on the committee or with any person in this Convention. I believe that everyone is trying to do the best thing for the people and to have this adopted. I am in favor of this work and I am in favor of having it submitted to the people fairly and openly and with publicity. I am in favor of the amendment offered by the gentleman from Portage, that we send out copies of the constitution as it now exists and copies of our amendments, and, if you please, you can add the address adopted by this Convention. That is what I am in favor of. Let us not hurry on the last day of the Convention. Let us not leave something undone that we ought to have done. We have spent nearly five months in good honest work. Let us present it to the people in an intelligent way so that the

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people may understand what we have done and adopt it.  
 Mr. DOTY: Do you think it is better for one of us to trust one of our employes after we are gone than to trust a committee of this Convention?

Mr. NYE: I am not afraid to trust—

Mr. DOTY: Take out the "trust". Do you think it better for us to allow an employe of the Convention to do a certain piece of work that we refuse to allow a committee to superintend?

Mr. NYE: I do not, but we have had a committee on Submission and Address to the People and that committee ought to have given us a report containing the necessary explanation of the constitution that we are sending out.

Mr. DOTY: Do you not see that that is exactly what the original resolution does?

Mr. NYE: It does more than that.

Mr. DOTY: What more?

Mr. NYE: It establishes a board of the president and somebody else to send out literature.

Mr. DOTY: Is that any worse than to allow an employe to do the same thing?

Mr. NYE: I am not talking about what one man will do. I am asking that whatever is sent out shall be adopted by the Convention.

Mr. DOTY: You are advocating one man being a committee. You say that Colton amendment should prevail.

Mr. NYE: The amendment does not provide an address to the people. It simply provides for printing a constitution and the amendments to the constitution and that it be sent out in pamphlet form, which I think ought to be done, and that address made by the committee on Submission can be adopted hereafter by the Convention.

Mr. STILWELL: As one of the delegates to this Convention I want to enter my protest against any effort to adjourn this Convention today. I think very favorably of the suggestion made by the member from Greene [Mr. FESS], that in view of the fact that the committee on Submission and Address to the People do not seem to have prepared a report that is entirely satisfactory to this Convention, when we leave today it shall be to reconvene a week hence or two weeks hence. I do not care just exactly when it is, but I do not think in the last hours of this Convention we should do anything hastily. Personally I am willing to trust any committee of this Convention. There is no blight of distrust in my soul that seems to prevail in many delegates here. But there is some feeling in my mind that even at this moment there are delegates in this Convention who would be willing to adjourn now sine die in order to defeat the work of this Convention. The amendment of the delegate from Portage would leave the matter entirely in the hands of the secretary of the Convention simply to send out the cold work of this Convention without a word of explanation. I therefore move that the amendment offered by the member from Portage be laid on the table.

The yeas and nays were regularly demanded, taken, and resulted—yeas 66, nays 38, as follows:

Those who voted in the affirmative are:

Brown, Highland,	Davio,	Dwyer,
Brown, Lucas,	DeFrees,	Earnhart,
Cassidy,	Donahey,	Evans,
Cordes,	Doty,	Fackler,
Crosser,	Dunlap,	Farnsworth,

Farrell,	Kilpatrick,	Roehm,
Fess,	King,	Shaffer,
FitzSimons,	Knight,	Shaw,
Hahn,	Leete,	Smith, Hamilton,
Halenkamp,	Leslie,	Soletcher,
Halfhill,	Ludey,	Stamm,
Harris, Hamilton,	Malin,	Stevens,
Harter, Huron,	Marshall,	Stilwell,
Henderson,	Matthews,	Stokes,
Hoffman,	Miller, Crawford,	Taggart,
Hoskins,	Miller, Fairfield,	Tallman,
Hursh,	Okey,	Tetlow,
Johnson, Madison,	Peck,	Thomas,
Johnson, Williams,	Pettit,	Watson,
Jones,	Pierce,	Winn,
Kehoe,	Redington,	Wise,
Kerr,	Rockel,	Mr. President.

Those who voted in the negative are:

Antrim,	Elson,	Norris,
Baum,	Fluke,	Nye,
Beatty, Morrow,	Harbarger,	Partington,
Beyer,	Harris, Ashtabula,	Peters,
Bowdle,	Holtz,	Read,
Brattain,	Kramer,	Riley,
Brown, Pike,	Kunkel,	Rorick,
Cody,	Lambert,	Smith, Geauga,
Collett,	Longstreth,	Stalter,
Colton,	Marriott,	Wagner,
Crites,	McClelland,	Walker,
Cunningham,	Miller, Ottawa,	Woods.
Dunn,	Moore,	

So the motion to table was carried.

Mr. KNIGHT: I offer an amendment.

The amendment was read as follows:

Strike out the resolution and pending amendments and insert the following:

*Resolved*, 1. That the committee on Submission and Address to the People be instructed to prepare a brief address to the people including as a part thereof the full text of the amendments passed by this Convention, together with a brief explanation of the contents of each.

2. That said committee report such address to this body on June 6, 1912, for its consideration and adoption.

3. That when adopted by this Convention it be embodied in a pamphlet to be printed and distributed so far as possible to each voter of the state.

4. That when this Convention adjourns today it to be to meet on June 6, 1912, at 2 p. m.

Mr. KNIGHT: A few words on this resolution. It has been submitted to a good many members of the Convention of all shades of opinion. This is designed to only dispose of the question of the formal address that shall go out officially from this Convention. I find in other constitutional conventions addresses to the people, short or long, embodying the whole constitution and the amendments thereto that have been formally reported to the convention and adopted as an official part of the action of the convention and made a part of the record and journal. Everything that we have in mind can be done on this matter of address in one day after the committee has prepared its report. The Convention could then pass upon it and that would make it the official action of the Convention.

Mr. ANDERSON: And during that intermission

## Submission of Amendments to the People—Resolution Extending Thanks of Convention.

there will be an expense of \$300 a day, for which we get absolutely nothing.

Mr. KNIGHT: It need not hold the employes over because there is a resolution that takes care of that. That is the next resolution that comes up. Do you not believe in bringing the main body of the Convention together for this one of the most important matters that has been before the Convention?

Mr. BROWN, of Lucas: Does the gentleman recall the fact that one of the great political parties will be holding a convention then?

Mr. KNIGHT: That was put in at the suggestion of others. I am willing to make it one week from the tenth.

Mr. FESS: With the consent of the Convention I would like to have that change made.

Mr. HARRIS, of Ashtabula: I think that would strike every college commencement and every high school commencement in Ohio.

Mr. KNIGHT: It strikes my own institution, but I am willing to be here.

Mr. FESS: Do not the commencements usually come on Thursday or Friday?

Mr. KNIGHT: Monday is part of commencement week. I do not think, however, there are any commencement exercises on Monday.

Mr. FESS: I would like to raise one question which might cause us some trouble if this substitute is carried. I indorse the spirit of this substitute, but there is one danger. If it is possible for us to clean up our work today we ought to do it, because this resolution that Dr. Knight introduces necessitates a majority of this Convention coming together or you cannot adjourn. So if you carry this resolution this Convention has to be here in a majority or no business can be done at all at this subsequent meeting. I hope we can clear up our work today, but hold the Convention alive in such way that any number can come together and adjourn officially; otherwise you have to come as a body—it necessitates a quorum. I hope you will notice that.

Mr. HOSKINS: If this resolution prevails the time ought to be fixed to adjourn that session. I am opposed to adjourning until the tenth. If we must adjourn until the tenth, I think we should adjourn to meet at two o'clock in the afternoon so that we can finish our work that day.

Mr. HARRIS, of Ashtabula: I do not understand that Dr. Knight proposes to put any limit on the time of meeting. We might meet at ten o'clock. We ought to give ourselves sufficient time to finish the work. I have gotten through trying to fix any limit on time. All I want to do is to get the work finished properly.

Mr. HOSKINS: Why cannot it follow the Baltimore convention.

Mr. HARRIS, of Hamilton: As one of those who last evening mildly advocated the original resolution I wish to say I now heartily indorse the substitute offered by Professor Knight. I think it meets all of the requirements of the situation. I think we have all about made up our minds on the question and it is only fixing the date when we shall come together that is left. I move the previous question on the amendment.

Mr. EVANS: I am in favor of the seventeenth as the day of meeting.

Mr. STILWELL: Why not carry this without the date being fixed and fill that in afterwards?

Mr. HARRIS, of Hamilton: Perfectly satisfactory.

Mr. KNIGHT: Just leave the date blank and we will fix the date afterwards.

The main question was ordered.

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

Mr. HOSKINS: I move that the date be filled by inserting Monday, July 1. A week from next Monday is entirely too soon.

Mr. JONES: Why?

Mr. HOSKINS: Because you are going to run into a lot of work that is going on in other bodies. Next week is objectionable because of the Chicago convention. The next week after that is objectionable because of the Baltimore convention. Personally I do not care for either of those. Another thing, the courts of every county are closing up their sessions and there is not a lawyer here who has not cases to attend to.

Mr. ELSON: I think that time is entirely too long. I cannot be here and a good many others cannot.

Mr. HOSKINS: Well, I move to insert July 1.

Mr. JONES: I move to amend by inserting Monday, June 3.

Mr. ELSON: I move to amend by inserting Monday, June 10.

Various delegates suggested June 17.

Mr. WALKER: Let us take a vote on June 7.

Mr. WINN: I have a very important trial set for the seventeenth, which will take nearly all the week. I can be here on the tenth, but not on the seventeenth. I would suggest June 5.

Mr. STOKES: The democratic convention will be in session then.

Mr. LAMPSON: I think the sixth is the proper day! A lot of members will stay here from the republican convention then and there will be a lot of democrats who will be on their way to the convention that can stop here and attend to this business.

The PRESIDENT: That amendment is not now in order.

Mr. HOSKINS: I will withdraw my amendment to let that come in.

Mr. LAMPSON: Then I move to amend the resolution by inserting Thursday, June 6, two o'clock p. m.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. PECK: I offer a resolution.

The resolution was read as follows:

Resolution No. 143.

*Resolved*, That the thanks of this Convention are due and are hereby tendered to Edward W. Doty, of Cuyahoga county, for his labors and services in preparing the rules under which the Convention has done its work, and his indefatigable industry in forwarding that work.

The resolution was adopted.

Mr. DOTY: I have not a word of response. The resolution, under the rules I wrote, ought to have been declared out of order. I seem to have been overruled without having a chance to make the point of order. What I have attempted to do was simply to contribute what experience I have had and what knowledge I

## Resolutions Extending Thanks of the Convention.

thought I had for the benefit of the work of this Convention. I have attempted to be as helpful as I could. I have really tried not to be any more of a nuisance than I could help. Whether I have succeeded or not, of course it is not for me to say. I have enjoyed every minute of the work. I have enjoyed associating with the members of the Convention and I have not anything but love and esteem for every member of the Constitutional Convention of 1912. That this resolution should have been offered and passed certainly is a tribute that I cannot overlook and I do not want to, nor can I sufficiently express my thanks for your action.

Mr. PECK: I want to say that in the years to come, when we look back and think over this Convention, there will be no figure more prominent on the mental retina of any of us than that of Mr. Doty.

Now I have another resolution which I propose to put and read myself.

Resolution No. 144:

*Resolved*, That the thanks of this Convention are hereby tendered to President Herbert S. Bigelow for his uniform courtesy and fairness in the discharge of the onerous duties of his office. We part from him with regret, and bid him God speed in the great career which he has before him.

Mr. PECK: All those in favor of this resolution will say aye. The resolution is adopted.

Mr. DOTY: I offer a resolution.

The resolution was read as follows:

Resolution No. 145:

*Resolved*, That the thanks of the members of this Convention are hereby given to the Hon. Simeon D. Fess, vice president of the Convention, for his uniform courtesy, his splendid ability while presiding and the fair and impartial manner shown by him to all members and all matters coming before the Convention.

Mr. DOTY: I do not know whether any of you remember it—but I still remember it—that this Convention elected one of two who were candidates for vice president and I offer this resolution sincerely, because I mean what I have offered, and I trust the Convention will agree with me. Mr. Fess has proven a most able and impartial presiding officer, and it is with very great pleasure that I at this time offer this resolution which I trust will be unanimously adopted.

The resolution was adopted.

Mr. FESS: Gentlemen of the Convention: To have a vote of confidence from brothers with whom you have sat for half a year and from members with whom you have seriously at times differed on matters of policy and also on the question of adoption of various proposals and other things, is the highest compliment that can come to any individual. I admire the man who can stand up and oppose me with vigor and at the same time have nothing personal against me. I admire the fellow who can fight openly and when it is all over realize that there was nothing personal in it, but that it was only a difference of opinion. I remember when I first came into the Convention, I am very frank to say, I did not like Mr. Doty at all. Now I want to say that as I go out of the

Convention there is no one for whom I have a deeper regard than my friend and open fighter who is always on the fighting line. It has been a great pleasure not only to meet him in battle array but to meet him and differ with him on many little things, and have him differ with me, and yet give me this splendid vote of confidence. That is the highest tribute that I shall take from this Convention. All is well that ends well. I hope that this Convention will end well and then we will all be all right.

Mr. DAVIO: I wish at this time to address a few remarks to President Bigelow. I think it can be safely said that as a delegate to this Convention I have not burdened its records with any unnecessary speeches on any subject and I blame this largely to the fact that the president has persistently refused to recognize me and thus afford me an opportunity to express myself, as I had prepared to, on all the important proposals before this body. My object in speaking now is that I want this fact to become a matter of record. It is possible the president will try to excuse himself by saying that on account of my size he failed to see me over FitzSimon's and Stilwell's broad shoulders or on account of Kunkel's safeguards, despite the fact that I occasionally stood on a chair and other furniture to attract his attention.

I have seriously thought of asking the Convention to pass a vote of censure on the president for his conduct toward me, but have been advised by the delegates that it is best to forgive and forget. I have decided to do so, and on behalf of your friends in the Fourth Constitutional Convention I now present to your President, Herbert S. Bigelow, this gold watch, and trust it will be accepted by you as a token of the esteem in which you are held by your fellow delegates.

Mr. BIGELOW: If I try to make a speech now I am sure that you would not have any trouble in applying the proper descriptive adjective at this time. As I look back over my life, it is exceedingly difficult for me to take a position anywhere along the past years and look forward to the time when I should be the recipient of such a tribute as this. I know it is a great mistake for men ever to be seekers of preferment or political or social honors. If one can be useful and these things come as a recognition of usefulness he is indeed blessed. If we seek our own elevation we may succeed temporarily, but defeat comes ultimately, for the time comes when personal ambition must fail, but if our aim is to be of service to mankind, then we may also be sure of victory, no matter what our personal fortunes may be. I have this reward today that I do not believe I would have been placed in this position as president of this honored body and that I would have ever received this tribute of your good will and confidence if I had not succeeded in some degree in considering others as well as myself and had not had some motive to control my action other than motives of personal ambition. I find it exceedingly difficult to tell you, my friends, what is in my heart today. It is going to be exceedingly difficult in the years to come to fight the battles that remain in a manner that shall be worthy of your esteem, and yet in those battles in the future there will be a great consideration and support in the knowledge that I have once known and that I have enjoyed your acquaintance, your friendship and the pleasure of your good will and esteem.

## Resolutions Extending Thanks of the Convention—Invitation to Put-in-Bay.

Now, I offer a resolution of very profound gratitude for the courtesy and kindness that I have received from your hands and for your patience with my shortcomings, and I trust I may be pardoned for placing you all in a group as the recipients of my boundless good will and of placing in the midst of that group, down in the center of it, so that it may remain a picture in our minds forever, a group of the Fourth Constitutional Convention of Ohio with, in the front of it, those two grand old men, Judge Dwyer and Judge Peck.

The VICE PRESIDENT [who had taken the chair during the president's address]: The member from Hamilton [Mr. PECK] is recognized.

Mr. PECK: You know I cannot talk when people talk that way. My heart gets too full for words to flow. You have all tried it. A bottle with only little in it will flow much more freely than when it is full, and I am absolutely full. That is the way my heart is now, so full of good will and good and kindly feeling that I cannot say anything more.

The delegate from Montgomery [Judge DWYER] was recognized.

Mr. DWYER: Mr. President and Gentlemen of the Convention: What you did on the first day of your meeting put me under everlasting gratitude to you. We came here practically strangers on the 9th day of January. We practically adjourn today with each the friend of the other. There is not a man here today for whom I have not the highest regard. I admire you all for your ability and for your untiring industry in the service of the state. My only regret is that we have to part; but the best of friends must sometimes part, and on this occasion I shall carry with me during the few years that are left to me the fondest recollection of these days that we have here together. Always, as the president has said, this grand assembly of the Fourth Constitutional Convention of Ohio will be before me.

The PRESIDENT PRO TEM: The chair will recognize the member from Gallia.

Mr. MAUCK: I do not know of any reason why at this late day the chair should recognize the member from Gallia, for this is the only time that I have not wanted recognition. With others I may pay my respect and esteem to the member from Cuyahoga [Mr. DOTY], because none of us know anything about the rules except that member from Cuyahoga, and but for him we should scarcely have been able to get along. But, seriously, I want to say that the members of this Convention owe a great deal to the member from Cuyahoga [Mr. DOTY], and I am glad to express that sentiment, in which I am sure you will all join, because of his very careful and painstaking work in keeping us in working order.

The PRESIDENT PRO TEM: The chair will recognize anybody else.

Mr. CROSSER: This is the kind of a speech to which I am not at all adapted. It is not in my line, but after having heard some of these beautiful talks about various members, of course all of them thoroughly deserved, I want to offer a resolution of our confidence and respect to a man who is probably one of the oldest in the Convention, a man with whom I am very little acquainted, but such acquaintance as I have leads me to feel for him the deepest confidence and respect. I have in mind the dele-

gate from Geauga [Mr. SMITH], and I hope that the resolution will be adopted.

The resolution was read as follows:  
Resolution No. 146:

*Resolved*, That our great respect and esteem be and is hereby expressed for one of the oldest members of the Convention, Mr. Smith, of Geauga county, who by his uniform kindness and modest manner has made himself one of the pleasing figures of the Convention.

The resolution was adopted.

Mr. SMITH, of Geauga: I thank the Convention very much for this tribute of respect. I did not expect to take a very active part in the affairs of this Convention when I came here. I am somewhat deaf and so I have sat by and did my best to help matters along the best way possible. I have been more than blessed with the pleasant acquaintanceship with delegates to this Convention. I had expected that there would be a wild-eyed set of men here ready to do almost anything that came in their way in any matter whatever, but I found quite to the contrary. I found a body of gentlemen who nearly all of them, were as anxious as I to do this work right and to vote right and to do what they regarded as for the best interests of the state of Ohio. I believe they have all done that and I shall regard as the crowning pleasure of my life the acquaintances I have made in the Convention. I would not if I could recall a single acquaintance that I have made here. I thank you very much.

Mr. LAMPSON: I offer a resolution.  
The resolution was read as follows:  
Resolution No. 147:

*Resolved*, That the thanks of this Convention are tendered to the secretary of this Convention, Mr. C. B. Galbreath, for his uniform courtesy and efficient service.

The resolution was adopted.

Mr. MILLER, of Ottawa: I offer a resolution.  
The resolution was read as follows:  
Resolution No. 148:

*Resolved*, That the banquet committee be instructed to arrange for the first annual reunion of the delegates of this Convention at Put-in-Bay, Ohio.

Mr. MILLER, of Ottawa: On this occasion I desire to say that next year will be celebrated at that place the one hundredth anniversary of the battle of Lake Erie. At that time a monument will be dedicated in commemoration of that event, one of the most important in the history of Ohio. The dedication will also be participated in by the adjacent states of Michigan, Illinois and Wisconsin. At that time the monument will be dedicated and arrangements have been made that will bring together there men of national reputation. By that time we shall have another Ohio president of the United States and we will have Governor Anderson and his military staff there, where the waters which flow around that beautiful archipelago are the purest, and when they have been filtered through the vine for which that region is famous and properly taken, they will make even the most silent delegate loquacious. Those waters flow along the first

## Invitation to Put-in-Bay—Resolutions Extending Thanks of the Convention.

city in Ohio, the home of Mr. Doty and the headquarters of the Progressive Constitutional League. Not far away is the greatest rifle range in the world, and next year that will be visited by representatives from the whole world, including South America, Australia and all the countries of Europe. Forty miles to the west is the home of the first politician in the land and we can show the delegates a good time.

The resolution was adopted.

Mr. HARTER, of Stark: This Convention owes and should return a vote of thanks to the historian of the Convention, Hon. Nelson W. Evans, and I offer a resolution.

The PRESIDENT: Just withhold that for a moment. The motion before the Convention is that of the member from Ottawa.

Mr. STOKES: I move that that invitation be received and referred to the committee on reunion.

The motion was carried.

Mr. WINN: It seems to me that these proceedings in which we are now engaged ought not to be a part of the record.

The PRESIDENT PRO TEM: The chair will rule that they are a part of the record. They are in regular session and are regularly made and are being adopted or rejected.

Now the member from Stark [Mr. HARTER] offers a resolution extending the thanks of the Convention to our historian, Mr. Evans.

The resolution was read as follows:

Resolution No. 149:

*Resolved*, That the hearty thanks of the Convention are due to the Hon. Nelson W. Evans, of Scioto county, for the historical service he has rendered this body.

The resolution was adopted.

Mr. EVANS: Gentlemen of the Convention: I certainly thank you for this compliment. I want to say that I part with you here with the greatest respect and consideration for every member of the Convention. I regard you all as independent figures. I must confess that I was greatly out of patience in the early sessions of the Convention with my friend Mr. Doty and with President Bigelow, but after their votes on the taxation question I have forgiven them and taken them to my bosom, and while I have been out of patience a good deal with the delegate from Medina and the delegate from Defiance I think it will be all over in a day or two. As I say, I entertain the highest respect for every member of the Convention, and it is very gratifying to me that I have the good will and the confidence of so many of the Convention. I have been disappointed in some things that we have done here, but I do not arrogate to myself all wisdom and I bow to the will of the majority, and I can truthfully say that I go away from this Convention without a single hostile thought against any single member or the body.

Mr. DOTY: I would like to state and have it go down in history that the member from Cuyahoga [HIMSELF] and our honored president have always been and are still progressives, while Mr. Evans has just become a progressive.

Mr. FESS: Gentlemen: I want to offer a resolution and I want to read it myself. Whatever has been done

or whatever has been said, good or bad, is permanently recorded here. If ever the time shall come that we pray for the power of forgetfulness, there is one person we shall have either to blame or to thank that we cannot have that prayer answered, for every minute of this Convention's sessions there has been one man who has taken in permanent form and made a permanent record, as accurately as possibly could be, everything that has been said. I deem it an honor to offer a resolution of thanks to the only man in the United States who has acted in the capacity of official reporter on three constitutional conventions.

The resolution was read as follows:

Resolution No. 150:

*Resolved*, That the thanks of this Convention are due and are hereby tendered to Mr. Clarence E. Walker, for the service he has rendered in preparing for the future a permanent and accurate record of these proceedings.

The resolution was adopted.

Mr. ANDERSON: Since we are saying such gracious things of the older men of the Convention, Judge Dwyer, Judge Smith, Judge Peck and Mr. Doty, I want to call attention to one of the members who has assisted greatly in the work of this Convention. I am reminded of it because I see his picture so often. Wherever you go, in the smoking room or anywhere else, the first picture that you see is the picture of that gentleman. You would hardly recognize it, however. Our president in the early days of the Convention referred to some gentleman being asked to come from behind the bushes. This man I have in mind was formerly behind the bushes, but he has come out from them. Joking aside, no man has helped more and no man has more of the confidence of this Convention for absolute fairness than Mr. Lampson, of Ashtabula county.

I offer a resolution.

The resolution was read as follows:

Resolution No. 151:

*Resolved*, That the thanks of the Constitutional Convention be extended to Hon. E. L. Lampson for his great assistance in the accomplishment of our work not only on the floor of the Convention, but also in committee.

Mr. DOTY [in the chair]: Before the chair puts that motion I think he may be pardoned for making a short speech on the motion. I think there has been no more welcome resolution to myself than that of the gentleman from Mahoning. I will really tell you a secret, inasmuch as the member from Mahoning has put it so that it is necessary for me to say something about it. They have given me credit for a good deal that Mr. Lampson has done. I do not think there is any member of the Convention, without any exception, that has done more for the orderly work of the Convention and more for its highest efficiency in every department than the member from Ashtabula [Mr. LAMPSON], and it is with very great pleasure that I put the resolution.

The resolution was adopted.

The PRESIDENT PRO TEM: The chair will recognize the gentleman from Ashtabula [Mr. LAMPSON].

Mr. LAMPSON: Fellow Delegates: I certainly thank you for this unexpected tribute which you have

## Resolutions Extending Thanks of the Convention.

given me upon the motion of my friend from Mahoning [Mr. ANDERSON]. In my public life it has always been my motto and my aim to give to the public my best thought and service, and in so doing I have simply done what I thought to be my plain duty. I think it was Drummond who said that love was the greatest thing in the world, and outside of the lofty example of the Christ and the innumerable expressions which we find in the homes in the land, I have never seen any higher expression of human love than I have seen in parliamentary bodies on occasions like this. Why, gentlemen, after that struggle over the rules and the modification of the rules in the lower house of the national congress when upon one side was that great leader Mr. Cannon and upon the other side that splendid man Mr. Clark, and the two contending forces had fought there week in and week out, sometimes saying very bitter things, when the end of congress came Mr. Clark, forgetting all of those differences over the rules and regulations of congress, offered voluntarily a vote of thanks to his opponent, Mr. Cannon, and it was adopted, a simple expression that after all the love of the human heart is the greatest thing in the world. When I came here I thought my friend Mr. FitzSimons over there was particularly extreme in some of his ideas. He came before one of our committees and made what I regarded as a rather extreme speech, but as the days have gone on I have come to know that the heart of Mr. FitzSimons is greater than his strong body. And so, gentlemen, as we go out from this Convention we shall go out from it into the world outside and I hope and trust with only the fondest recollections and the strongest friendship for one another.

The PRESIDENT PRO TEM: The chair will recognize Mr. FitzSimons.

Mr. FITZSIMONS: This is so sudden! I want to say, however, that this is an epoch in my life that I shall always look back upon with fond recollection. We came in here on the 9th day of last January with no other bond to hold us together than that we were Buckeyes and had been selected by our grand and glorious old commonwealth to try and do a job to the best of our ability in behalf of the state. We met as strangers and sized each other up on the spur of the moment. We formed some likes and some dislikes, but as we came into touch with one another, as friction rose between us and we came down to measure each other intellectually, there was a new aspect. It was like a new sun rising over the hills of Chillicothe. We got to know one another and the more we became acquainted the greater our respect for each other, and we went on and on cementing friendships and respect for each other until now we are a compact and solid body against everything that stands for wrong. What we are doing here is not for ourselves. It is for the generations that will follow us. And the minute we began to think of that, we saw that we were representatives of our great commonwealth and got together as brothers, and we labored together for five or six months and we have accomplished our work.

Mr. TANNEHILL: I offer a resolution.

The resolution was read as follows:

Resolution No. 152:

*Resolved*, That the thanks of this Convention are due and the same are hereby tendered to the

clergymen who have responded to the invitation of the president to open the daily sessions of the Convention with prayer.

The PRESIDENT PRO TEM: I would like to announce, or rather call attention to, the fact that the Anderson resolution of thanks to Mr. Lampson was number 151.

Resolution No. 152, offered by Mr. Tannehill, was adopted.

Mr. HARTER, of Huron: I feel that we owe a vote of thanks to the committee on Phraseology, and, indeed, to all of the committees who have contributed so much to the good work of this Convention.

The PRESIDENT PRO TEM: The member from Huron [Mr. HARTER] moves that we return thanks to all of the committees for their work.

The motion was carried.

Mr. HARRIS, of Hamilton: I offer a resolution.

The resolution was read as follows:

Resolution No. 153:

*Resolved*, That the Convention expresses its esteem for Colonel Blankner, one of the employes of the Convention, and an employe of the convention of '73, with the hope that he may enjoy good health until, and be of service to, the next constitutional convention.

Mr. MAUCK: I desire to offer an amendment to include George Riley, one of the early fathers of the Convention and one of the employes who has served us faithfully and well and also served in the other convention. I ask that he be included.

The amendment was agreed to and the resolution as amended was adopted.

Mr. ANDERSON: There is one gentleman in this Convention who has done a great deal of work which the records do not show. The man to whom I refer is a gentleman of great ability. He is earnest, active, industrious worker. A few of us who have seen his work know what he has done, but the majority do not because he has not taken a very prominent part on the floor. I want to say that no man has done more of good, hard, efficient work for this Convention than my friend Cassidy and I move a vote of thanks to him for that work.

The motion was carried.

Mr. DEFREES: While you are passing bouquets you have missed a little bunch. Their work has not been on the floor, but there is not a member here who doesn't love them for the work that they have done. I speak of the bunch that does its work back in the stenographers' room. You know we all love them.

The PRESIDENT PRO TEM: Did the gentleman make a motion or did he just express a sentiment?

Mr. DEFREES: I move a vote of thanks to them.

The motion was carried.

Mr. FESS: I would like to move that we extend to our candidates for governor, Messrs. Anderson and Halfhill, a vote of thanks for their services and our best wishes for their success.

The motion was carried.

Mr. PARTINGTON: I now move that we recess until 1:15 o'clock p. m.

The motion was carried.

## Resolution Extending Thanks of the Convention.

**AFTERNOON SESSION.**

The Convention was called to order by the president.

Mr. MILLER, of Crawford: I want to occupy just a moment expressing my appreciation to the members of the committee on Agriculture for the work they have done and the kindness they have shown me. Also I want to express my appreciation to the chairman of the committee on Public Works and the committee on Banking, the committees on which I served, for the many courtesies that have been extended to me. One of the most pleasant things that I shall have to look back to in the years that come are the pleasant memories of the many kindnesses and courtesies shown to me in this body.

Mr. MARRIOTT: In our hurry we have overlooked a very important part of the Convention. The press of the state, more than any other institution, molds the sentiment of the people. No higher calling can fall to the lot of a young man than to have an opportunity in the education of the people on public questions. No greater influence will be exerted in bringing to the people knowledge of the work of this Convention than that exerted by the public press of the state. I therefore,

in recognition of the able services of the correspondents of the state, offer a resolution.

The resolution was read as follows:

Resolution No. 154:

*Resolved*, That the thanks of the Convention are extended to James W. Faulkner and his able corps of accredited newspaper correspondents serving in this Convention, for their uniform courtesy, kindness to, and fair treatment of, the members of the Convention and the work sought to be accomplished by this body, and we bespeak for them each and all the greatest measure of success in their noble calling.

The printed form of Resolution No. 133—Mr. Doty, having been sent to the Convention, the president and secretary and nearly all of the members signed the same at the table on which the first constitution of Ohio was signed in Chillicothe, September 29, 1802.

[The portion of the resolution containing the amendments submitted to the people with the names of the members signing the same is found in the APPENDIX.]

On motion of Mr. Doty the Convention then adjourned until two o'clock Thursday, June 6, 1912.