

TWENTY-FIRST DAY

AFTERNOON SESSION.

THURSDAY, February 15, 1912.

The Convention met pursuant to adjournment, was called to order by the president and opened with prayer by the Rev. J. H. Harris, of Columbus, Ohio.

The journal of yesterday was read.

Mr. LAMPSON: I call up Proposal No. 118 and desire to say there are a number of members of the Convention who desire to speak on this proposal, and I suggest that in view of the fact that a good many of the members want to go home this afternoon we proceed with the debates of the Convention without going into committee of the Whole, with the understanding that there will be no attempt made to force a vote.

Mr. PECK: I beg leave to suggest that we proceed with the regular order of business. Let the debate proceed on the next legislative day.

Mr. LAMPSON: I think we can get along with a debate of an hour.

Mr. PECK: There are several reports that we want to get printed, and if we proceed with this continuous flow of talk we are having we can't get anything done.

Mr. LAMPSON: I had it in mind that we would discontinue after an hour's talk. Will that be satisfactory?

Mr. PECK: If you keep to it.

Mr. LAMPSON: We'll keep to it, and as we are in Convention—

The PRESIDENT: The journal has not been approved.

Thereupon the journal was approved.

Various leaves of absence were granted.

Mr. JONES: I think in view of my proposition, which we have been considering for a few days, and the fact that during its consideration a great many amendments were made and made in a way which practically amounted to their being verbal amendments without any opportunity to the members to get a clear understanding of what the proposal is in its amended form, that the matter should be laid over for debate so that we shall have opportunity to fully consider the actual proposal before us. Just to illustrate it. For myself, and I know quite a number of members at least have the same conception, I thought that this limitation of \$50,000,000 was simply a limitation on the amount that might be outstanding at any one time, and I confess that I did not catch in the making of the amendment a very material matter in the amendment proposed by the gentleman from Hamilton [Mr. HARRIS], that it was an absolute limitation on the aggregate amount of \$50,000,000. There is a very material matter injected into the proposal which a great many of the members did not understand. I confess it, because I had a different view of the matter from what might have been taken under the original proposition. I don't mean to indicate that that would change my views to support it, but it suggests some additional objections to the whole matter.

Mr. DOTY: Is it not a fact that the amendments

that have been proposed in the committee of the Whole have been in print for thirty-six hours now?

Mr. JONES: I asked this morning if they were in print and was informed that they were not in print this morning. The secretary told me he had struck off a few type-written copies and he kindly gave me one.

Mr. DOTY: May I call your attention to the fact that on page 3 of the journal of Tuesday, February 13, which has been on your desk more than twenty-four hours, is the Harris amendment in full in print?

Mr. JONES: I don't understand that it has all the proposed amendments discussed yesterday.

Mr. DOTY: Of course it doesn't have those; they are in the journal for today.

Mr. JONES: What I wanted to say is this: That in view of the importance of the matter and the manner in which these amendments have been proposed, it would certainly conduce to the formation by the members of the Convention of a better judgment if the whole thing were laid over until the next legislative day, and, therefore, I move that the matter be made a special order for next Tuesday at the head of the calendar.

Mr. LAMPSON: I hope the motion will not prevail. That can be made an hour later just as well. There are gentlemen here prepared to discuss the very question raised by the gentleman. Mr. Stewart, who is an expert on the subject of figures, would like to address the Convention, and Mr. Harris, of Hamilton, would like to answer some questions along the line the gentleman from Montgomery propounded.

Mr. DOTY: I ask for a division of that question making it a special order. If we keep it on the calendar just as it is, it stays at the top.

Mr. JONES: That is satisfactory.

The motion was lost.

The PRESIDENT: The question now is, Shall the proposal be passed?

Mr. STEWART: I shall take only a few moments of your time. For two days I have listened to the discussion of this question, and I want to say first that I am in favor of the bond issue. I am heartily in favor of good roads. I have heard the question propounded here quite often as to the interest that we shall have to pay and a great many members of the Convention seem to be alarmed at the outcome of it. Now I want to suggest for your consideration a proposition like this: In the event that the legislature takes up the proposition of issuing bonds and a coincidental tax is laid to take care of principal and interest at the same time, after the end of each year, paying \$2,000,000 of the principal and the accumulated interest, then, after five years, you will have issued your \$50,000,000 of bonds and in each one of the previous five years you will have paid \$2,000,000 of your bond issue. Then at no time will you have a larger bond issue than \$40,000,000. That will be the extreme of your bond issue at any one time. To take care of that I have made a little calculation. The first year you would have to have one bond for \$2,000,000 and the interest on \$10,000,000. That would involve a

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rate of .3916 of a mill. At the end of the five-year period, on a bonded indebtedness of \$40,000,000 and the accumulated interest on that at that time, you will have a rate of .566 of a mill. That will be the maximum rate at any time during the period. From that point on to the lowest point the final rate will be the interest on the last bond—\$70,000—and the \$2,000,000 bond itself, which would make your lowest rate .345 of a mill. In taking care of a proposition like that—I know in the table you have here it suggests the idea of paying the last bond at the end of thirty-five years. In this case it would involve paying all the bonds in twenty-five years. You would not have during the first ten-year period that accumulated amount of interest of something like \$13,000,000 or better. At the same time you will get your money and have your roads built, and some succeeding constitutional convention may further amend the constitution and give the right to issue bonds for further improvements if the people so desired. You remember the present state aid stands at .4 of a mill in this period. In this proposition I have shown you that your highest rate when you have the \$40,000,000 bond issue would stand at .566 of a mill, very little more than what you are now paying in the state aid levy. Should you pursue a proposition like this you would hardly notice the tax on it. Still you would have the improvements and you would accomplish this further object: The building of roads in each county will not only establish good roads, but will also educate the people to make still further demands for better roads and more of them. I know this matter can be accomplished by a sinking fund. I am well aware of that. Some are not familiar with the workings of the sinking fund. Mr. Harris, of Hamilton, later on will present that feature to you, but in this way it involves a coincidental tax to pay some portion of the principal and the interest so that you are working down your issue instead of settling the whole thing at the end of the bond issue. I only present the matter in this fashion to show you that under your present rate of state aid—.4 of a mill—you would hardly notice the increase at the end of the five years from now, when you would only have .566 of a mill.

Mr. STILWELL: As I understand your plan of paying off the bond issue and the interest, it is simply to eliminate from this bill under the head of "principal and interest due" from the fifth to the tenth year inclusive?

Mr. STEWART: It will involve the elimination of that \$13,000,000 of interest, and at the same time, when you figure it all through from the start to finish, instead of involving \$38,000,000 of interest on the entire proposition there will be a saving of almost \$20,000,000 of interest.

Mr. STILWELL: So that I am entirely correct about your proposition—in other words, you remove the column "principal due after five years?"

Mr. STEWART: Immediately, to answer the objections of a number of men who wish to pay as they go. They would be satisfied in part, and after all we will have to arrive on a compromise basis, and this feature would satisfy them.

Mr. STILWELL: After you pay the \$50,000,000

in the twenty-five years you start in immediately to pay off by \$2,000,000 a year?

Mr. STEWART: At the first issue of the first bonds you would pay \$2,000,000 and the interest on the \$10,000,000 issue.

Mr. STILWELL: What is the use paying back money and by the same act borrowing more?

Mr. STEWART: I don't understand your question.

Mr. STILWELL: You say that you would start in to pay off the first issue of \$10,000,000 by \$2,000,000 at the end of the second year?

Mr. STEWART: At the end of the first year.

Mr. STILWELL: Then you pay off \$2,000,000 at the end of the first year and again, at the end of the second year, you borrow \$10,000,000 more?

Mr. STEWART: Yes; it involves issuing \$10,000,000 one year and the next and the next and the next, making finally \$50,000,000, but out of each one of those divisions you are paying \$2,000,000 of the bonds each year.

Mr. STILWELL: I understand the plan thoroughly, but I don't see the merit of the proposition of borrowing \$10,000,000 the second year and using \$2,000,000 to pay off \$2,000,000 of the other year.

Mr. STEWART: It is taken care of by a levy and you get your money for the purpose of building the road. You have to wait until the end of the year before you can get your levy.

Mr. PIERCE: I would like to inquire, under his plan, how much interest the state would pay on the entire issue of bonds for the whole period of time?

Mr. STEWART: It would involve an interest of about \$18,000,000 or \$19,000,000. I did not have time to figure out the proposition exactly. I figured out these rates as to the highest rate and the lowest rate. If I had had time to prepare a table I could have done so.

Mr. JONES: If it is an advantage to divide this up among the periods so as to pay \$2,000,000 at the end of the first year, the second year, etc., why would it not be more advantageous to pay the whole that you borrowed the first year, the second year, etc.?

Mr. STEWART: You cannot take care by a levy each year of your total indebtedness. That was the point to be gained.

Mr. JONES: Why not?

Mr. STEWART: Simply because the rate would be too high. It would involve the Smith law, to which the people are wedded, and would overthrow that law; and that was the main feature in presenting a proposition like this, for the reason that it would help to save the Smith law and take care of a bond issue for the \$50,000,000 and wipe it out in twenty-five years and at the same time give us good roads.

Mr. ROEHM: The idea would be to issue \$10,000,000 the first year, would it not?

Mr. STEWART: Yes.

Mr. ROEHM: Then in the mean time using that money, by the time of the second bond issue you have collected the taxes ready to pay \$2,000,000 rather than to pay \$2,000,000 into the sinking fund. Now, when the second consignment of bonds is about to be sold, would the provision be such that the sinking fund trustees would purchase \$2,000,000 of the second bond issue?

Mr. STEWART: In this case it would not involve,

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strictly speaking, a sinking fund to take care of it. We would pay at the end of each year the \$2,000,000 and the accumulated interest on the total bond issue.

Mr. MAUCK: I want to say that if I can get the eye of our president one hour from this time I shall demand the previous question on this matter. I think it has been exhausted. I desire to say that I shall vote for all the amendments proposed because I think they are a little less dishonest than the main proposal. The main proposal is dishonest in that a poor county like mine, only a little less than 27,000 people, has issued \$490,000 of bonds. They paid something over \$100,000 of those bonds and there are now outstanding something over \$300,000 of the bonds to build the very roads that you propose the state shall now go about getting by a general issue. The gentleman from Meigs [Mr. STEWART], the neighboring county, represents a constituency that has never bonded itself for a nickel. This whole scheme seems to me to be so intentionally dishonest that I have no further patience with it, and for that reason I shall vote against the whole thing when it comes to a final vote.

Mr. HARRIS, of Hamilton: I take the floor at the request of the member from Montgomery [Mr. ROEHM], who indicated yesterday that he would like to hear from me on the sinking fund proposition. I did not at that time think he asked me for the information and therefore I did not reply.

I said the proposed amendment should not be adopted because it will tend to confuse what is otherwise a very clear situation. I shall not further refer to it, but I shall confine my time to the workings of the sinking fund, and I believe I shall be able to satisfy those doubts and to remove all objections.

I shall state in the beginning that the words "provide for a sinking fund by taxation" were included for two purposes. First, because it is economical and sound. Second, because it meets the objections of some of the members of the Constitutional Convention who asked, and properly, that we pay as we go. So far as that is a practical question it is solved by the provision of the sinking fund. You will pay in part as you go. Assuming that the bonds will run forty years, the amount a sinking fund would be required annually by taxation to pay the \$50,000,000 bond at maturity is \$592,500. That amount raised annually by taxation invested at three and a half per cent per annum by the sinking fund commissioners of Ohio will produce in forty years, the proposed life of the bonds, the sum of \$50,000,000. In other words \$592,500 annually for forty years, the life of the bonds, will amount in round numbers to \$23,700,000. This amount, which you will pay by direct taxation by an increase in your levy annually, will by reason of its investment by your trustees of the sinking fund of the state of Ohio amount to \$50,000,000 at the time the bonds mature, namely, forty years. This statement of fact alone removes, or at least ought to remove, the objections in part of those who say "Let us pay as we go."

The other evening I attempted to show you that it was practically impossible in practice to pay all as you go; that it was wrong economically and against the established principle of every state government in the country and of any financier worthy of the name of

economist. It is contrary to the very principle which you see daily around you, which you are in touch with. All of us living in the city know that when we make an investment, lay down a street for example, we make an assessment payable in ten equal annual installments. Why? Because the burden of a single installment during a series of ten years, one-tenth due annually, will be less upon the individual payer than the total amount paid at one time. The gentleman from Ashtabula [Mr. HARRIS] stated to you very clearly—and any of you who have had experience in legislation know his proposition could not be refuted, and those who have not had legislative experience, from their daily contact with men in the legislature, are also aware that it was incontrovertible—namely, that you could not get the state legislature to increase the state levy by any considerable amount because the people would throw out of office those who had the temerity to do so. There is a psychological reason for this condition and that is, I think, owing to the fact that the state government is so far removed from us in our daily conduct and in our lives. When we get to a city levy, or when we get to a county levy, or when we get to a school levy, we see all the functions and activities of the municipalities and the county government. We are in daily contact with them, and though at times our total levy for municipal purposes may be high, as has been the case in the city of Cincinnati for years—as high as three per cent (thirty mills)—we grumble, but we don't grumble nearly so loud at an increase of two or three or four mills in our municipal and county levies as we do at one-tenth of a mill in the state levy. When we look on the tax bills and see the state levy \$1.40 where the year before it may have been \$1.35, a mere difference of five mills, it immediately arouses antagonism. I can only account for it as a psychological condition, that the state government is so far removed from us that we look on it as almost a foreign government so far as the taxes are concerned. We cannot see the immediate benefits of the tax levy of the state as we do when it is our own immediate locality. That is the reason why for sixty years you have not been able—and in my judgment will not be able—to get a good roads proposition through the legislature by a direct annual levy. The amount required for a direct annual levy in any sinking fund proposition, as I said before, is \$592,500. Of course I concede that this means a little longer levy. And of course there is nothing in the captious objections that if the people of the state will lay one-tenth of a mill more of their state levy they will take six-tenths of a mill. If you answer that I will assume sixty-tenths or any other large and ridiculous amount.

Now let us investigate the proposition of this heinous crime of paying interest. To meet that objection let us have a clear conception on this floor of the conditions of the state. I have heard gentlemen say that the state has the money and that the state can take care of this \$5,000,000 annually. One would suppose that in the coffers of the state now were millions of dollars in gold bullion ready to be used for this purpose. Gentlemen, you certainly know that there is not one dollar the state can take save by and through the means of taxation. If the state raises by a direct levy next year \$5,000,000 for good roads the state takes out of the

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pockets of the taxpayers—out of the pockets of the people of Ohio—\$5,000,000. We will assume for the sake of argument that one of the constituents of the member from Wood [Mr. BEATTY], who spoke upon this subject yesterday—that his share of this additional levy is \$200. He has not the money to pay in his pocket and he has not the money in the bank. So in order to pay his share of this direct road levy he goes to the bank and borrows \$200, paying, as Senator Beatty said yesterday, six or seven per cent for the use of that money, to turn it over to the state. If he doesn't have to borrow the money he takes it out of his savings, which is also bringing in the same rate of interest as the local charge made by his banker, six or seven per cent per annum. And so as a matter of sound finance it is much better for this farmer in Senator Beatty's district to get assistance from the state, which, by reason of credit, borrows the money at three and a half per cent. Therefore that individual saves in this transaction during the period the bonds run, so far as he is personally concerned, the difference between the rate of interest which the state bond bears and the rate of interest he would have to pay his banker for the use of the money with which to pay his share of the taxes, or which he has to draw from his savings account, which is drawing that same rate of interest, six or seven per cent. So far as the individual taxpayer of the state of Ohio is concerned, it is really a financial transaction insuring a profit. The confusion in the minds of my friends against this proposition is that they assume the state has this money in the treasury. If the state had \$50,000,000 in its treasury I would be the first to demand that the \$50,000,000 in its treasury should be used for the purpose of building good roads; but every dollar that it gets into its treasury comes from the pockets of the taxpayers. There is no escape from that conclusion, and the principle of letting the burden extend over a number of years is not a new principle. It is that adopted and advocated by the wisest among us, not only in our state but in all states. There can be no objection to it. Those who come after us will pay their share to the benefit of the roads the same as those who live now. I want to state again, because it is right and I should do so, that the calculation of the member from Butler [Mr. PIERCE] of \$115,000,000 as the accumulated interest is absolutely and mathematically correct.

Mr. PIERCE: Now, if the gentlemen will pardon me, it was \$117,000,000.

Mr. HARRIS, of Hamilton: The difference is so trivial that we can dismiss it. We will accept the \$117,000,000 as being mathematically correct for all practical purposes.

Now don't be astounded by the \$117,000,000. If my premises are correct and if my calculations are correct every dollar of the \$117,000,000 in interest represents a profit and a gain which every taxpayer in the state of Ohio would have to pay out of his own pocket by reason of the loss of the use of his money, namely, an amount nearly double; and assuming that he is paying seven per cent, it is actually double, and if it is six per cent, then a saving to him of nearly seventy per cent. The principle of gain to the taxpayer is as great whether the amount be \$117,000,000 or some other smaller amount. The principle is the same. If the money is

worth six per cent to the individual who is paying it out of his savings or by loan from his bank, then by the bonds at three and a half per cent the borrowing will be a saving to the individual of just the difference between six per cent and the three and a half per cent. If you will always bear in mind that not one dollar of this tax comes out of the vaults of the state treasury, save as it gets into the vaults of the state treasury from your pocket and my pocket, the situation will be perfectly clear to you. Now I have taken up all or a little more than the time I expected—

Mr. LAMPSON: One question—that is, whether the amount of \$592,000 a year for forty years pays the interest or simply the principal?

Mr. HARRIS, of Hamilton: Simply the principal. A sinking fund provides a fund for the redemption of the bonds, and in conjunction with that we will have the three and a half per cent per annum on \$50,000,000, which will also be raised by direct taxation. But do not forget the cardinal proposition that this direct taxation, if you raise the \$50,000,000, in one year, if you make it one per cent on the grand duplicate—and assume that it was \$5,000,000,000 instead of \$6,000,000,000—and by direct tax levy you raise \$50,000,000 in one year, that \$50,000,000 would come straight from the pockets of the taxpayer and would have to come out of their banks or else from their savings, which yield six per cent per annum.

Mr. LAMPSON: If you paid a penny for an apple, you consider that that apple would cost you and your descendants for the next fifty years \$2.56, that being the amount it would figure up to, if compounded for fifty years?

Mr. HARRIS, of Hamilton: Of course not; but why not start at the year one of the Christian Era and compute it up to the hundreds of billions? That will show everybody how ridiculous such a theory is.

Mr. LAMPSON: Beginning with the year one it would absorb all of the money of the world many times over.

Mr. HALFHILL: We were shown on the tables of the exhibit here a basis of percentage of three and a half. What do you say as to that being a correct business percentage and the probability of the bonds being sold at that rate or less?

Mr. HARRIS, of Hamilton: There is not a shadow of doubt in my mind that the state of Ohio will be able to sell \$50,000,000 of bonds at three and a half per cent per annum and receive a premium thereon which will reduce the annual rate of interest.

Mr. PIERCE: If I understand you, you said the legislature would not levy a direct tax to build these so-called good roads. Now I would like to know, is it reasonable to assume that the people of the state will approve a bond issue when they come to vote on that question?

Mr. HARRIS, of Hamilton: I could not answer for the people of Ohio, but can you not safely leave it to their discretion? Are you willing to give them a chance? Are you only in favor of the initiative and referendum when it pleases you and not when it pleases the other four million nine hundred and ninety-nine thousand nine hundred and ninety-nine people of the state?

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Mr. PIERCE: I am always willing to leave every question to the people. I do not want to take advantage of the people in any particular at all, but I do object to putting this figure on the people. I am not a particle afraid that the good roads proposition will carry before the people. While I am not a prophet nor the son of a prophet, in my judgment I think the people will vote it down three and a half to one. I know they ought to vote it down three and a half to one, but in voting it down three and a half to one won't they vote down the good work of the Convention? That is what I am objecting to. I am afraid of that, that we will load the constitution down with a lot of amendments that they are opposed to and when they go to the polls to vote they will vote against things they really are in favor of because there are so many of those things they are opposed to in the constitution.

Mr. HARRIS, of Hamilton: Is not that another question that we can decide later? I do not know that I am not in accord with the gentleman on that question. But let us settle this question now and determine what is the best disposition of that question afterwards.

Mr. PIERCE: The gentleman doesn't seem to grasp my idea. I object to the settlement of this question in the manner about to be done on account of the effect it will have on the good work we are going to do.

Now another question, and that is the answer to the gentleman from Hamilton [Mr. HARRIS]. He says that he is satisfied the state of Ohio will be able to float the bonds at three and a half per cent and get a good premium. Is not that in view of the fact that he expects these bonds to be exempt from taxation? Suppose this Convention concludes that they are going to tax bonds along with other property? Will the gentleman please answer?

Mr. HARRIS, of Hamilton: I care not what the statutes may say. As a matter of fact the bonds issued by the state of Ohio will never pay any taxes to the state.

Mr. PIERCE: That shows the state of mind of the bondholders of this country.

Mr. STILWELL: Under the sinking fund plan of the gentleman from Hamilton [Mr. HARRIS] the \$592,500 a year for the next forty years would pay off the \$50,000,000 bond issue. What provisions have you made for the interest on the \$50,000,000 in your sinking fund?

Mr. HARRIS, of Hamilton: The amendment states that the legislature shall provide by taxation for the sinking fund and interest. I did not let that escape.

Mr. STILWELL: I want to call the gentleman's attention to this fact, that in addition to the \$592,500 it would be necessary to raise in some form or other, we would have to raise \$1,750,000 to take care of the interest on the \$50,000,000 of bonds. Adding those two sums together the total will approximate \$2,250,000 for forty years. It is very true by making the application of that amount to good roads we would not get the good roads so soon, but instead of getting the \$50,000,000 of good roads we would get forty times \$2,250,000 which is \$90,000,000. The only difference is the construction of the good roads would be extended over a longer period of time. I understand as well as any man in this Convention what three and a half per cent interest

means, and I know how to figure it out. I know that there is no possible way when you borrow money and agree to pay interest—there is no system of mathematics by which you can avoid the paying of that interest. It is true it can be distributed by a sinking fund over a period of years, but that does not avoid the payment of it.

Mr. HARRIS, of Hamilton: In view of my clear-cut statement, two or three times repeated, that every dollar of taxation the state of Ohio has raised or will raise has come or will come out of the pockets of the taxpayers, do you think your statement now is fair? When we have to pay interest, have I not shown that by the payment of interest I would save every taxpayer money? Do you dispute that and can you give any figures?

Mr. STILWELL: You simply put it off later.

Mr. HARRIS, of Hamilton: What is the difference? I make a statement that by every dollar I pay for interest on these bonds, by that payment I save the difference between the rate of interest he would have to pay to his bank and the rate of interest the state of Ohio secures him the money at.

Mr. STILWELL. I don't see the difference.

Mr. HARRIS, of Hamilton: Here is your proposition. You will raise by direct annual levy, let us assume \$5,000,000. I say that when you raise the \$5,000,000 annually by a direct levy you are taking it out of the pockets of the taxpayers of the state of Ohio. You are taking that \$5,000,000. Is that correct or not correct?

Mr. STILWELL: It is correct.

Mr. HARRIS, of Hamilton: When you take that \$5,000,000 out of the pockets of the taxpayers you take it out of their savings money they have loaned out at six per cent interest, or you force them to go to bank and borrow money at six per cent interest. Is not this true?

Mr. STILWELL: Yes; I agree that you are not going to secure it without getting it out of the pockets of the taxpayers.

Mr. HARRIS, of Hamilton: You acknowledge the correctness of that statement?

Mr. STILWELL: That is so.

Mr. HARRIS, of Hamilton: My proposition then is that instead of taking the \$5,000,000 annually out of the pockets of the taxpayers I will take \$2,000,000 of it and I will save them on the \$3,000,000 that I do not take annually out of their pockets, but distribute over this period of forty years, the difference between three and a half per cent, at which the state borrows the money for them, and the six per cent interest they would have to pay if they borrowed it from their banks. Now let us assume that a man has to pay \$1,000 in 1912 and has no money in bank or elsewhere; that he goes to his bank and borrows the \$1,000 at six per cent interest. He is unable to pay that debt for forty years, but he pays interest at six per cent annually to the bank—pays this every year for forty years.

Now let us assume that he adopts my plan of meeting the \$1,000 annual debt for taxes by my sinking fund proposition. If he stretches that over forty years and pays interest at the rate of three and a half per cent per annum has he not saved two and a half per cent,

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the difference between this fixed annual amount of six per cent on \$1,000 and the amount of interest that he has to pay under the sinking fund proposition, namely, three and a half per cent?

Mr. STILWELL: There would be more application to your statement if the sum that was to be raised by taxation was to be paid in a larger sum.

Mr. HARRIS, of Hamilton: The principle is exactly the same, is it not, whether the payments be large or small? Is not a small payment to a poor farmer a large sum to him?

Mr. STILWELL: The gentleman is assuming that every dollar the taxpayers have to pay is in the savings bank and is going to remain there until they pay taxes.

Mr. HARRIS, of Hamilton: If it is not earning interest it ought to be.

Mr. STILWELL: It should be, but the fact is it is not there and won't be there.

Mr. HARRIS, of Hamilton: But you acknowledge the correctness of the principle?

Mr. STILWELL: Yes, partly so; but not in its entirety.

Mr. HARRIS, of Hamilton: Your sole objection to acknowledging the correctness of the principle in its entirety is that the man may not have the money in the savings bank?

Mr. STILWELL: The majority of the money to be paid for taxes is not in the savings bank.

Mr. HARRIS, of Hamilton: Then where do your two Cleveland savings banks get their deposits of \$50,000,000 and \$40,000,000, respectively, if they are not the savings of the laboring people?

Mr. STILWELL: Quite true; but the proportion to be used for taxes is infinitesimally small.

Mr. HARRIS, of Hamilton: I leave it to the judgment of the gentlemen present whether or not the explanation explains.

Mr. JONES: The gentleman makes the statement that if this money is not in the savings bank it ought to be there and be drawing interest, awaiting the time when it is going to be used to pay taxes. If it goes into the savings bank how much more interest is it going to draw than three and a half per cent?

Mr. HARRIS, of Hamilton: If it went into yours it might not draw more, but there are a great many that pay more than that. And the man who has to borrow money to pay taxes pays six to eight and a half per cent for the loans.

Mr. LAMPSON: I have now, either at my desk or at my room, a notice from the mayor and council at my town that they are about to build a macadam or concrete road that passes along thirty-six rods of my property. The bonds will be sold on a basis to net about four per cent; the total assessment will be about \$1,000. Now I am to have two options, one is to pay the \$1,000 in cash and the other is to pay in ten installments. If I pay in ten installments the rate will be four per cent. If I pay in cash I can go to a bank and borrow it and pay six per cent. How much will I save per annum by the bond issue, paying in ten installments, or paying in cash?

Mr. HARRIS, of Hamilton: You and everybody like you will save \$20 per annum plus the compound interest on that during the life of the ten-year bond. I

would say further that in the experience of the trustees of the sinking fund of Cincinnati, of which I have the honor to be president, we find it almost the usual state of affairs in Cincinnati that only a small percentage of the original assessment bonds is paid in cash by the property owners. In other words, many wealthy estates and individuals in the city of Cincinnati, where you would think they would pay the entire amount of the assessment in cash, as they have the privilege of doing, on the contrary take advantage of the credit of the city to borrow the money from the city at four per cent per annum. In other words, that means that they make more than four per cent on their money. So it is a matter of business with them, or they find it more convenient, to let bonds be issued and pay four per cent interest rather than pay all cash.

Mr. DOTY: Is it not a fact that one point in the sinking fund plan is that a sinking fund properly managed like yours in Cincinnati and ours in Cleveland—

Mr. HARRIS, of Hamilton: Like yours in Cleveland ought to be managed.

Mr. DOTY: If you want me to go into that I can tell you how much less it costs us than Cincinnati.

Mr. HARRIS, of Hamilton: And I might say how much less you have to pay your debts with than Cincinnati.

Mr. DOTY: And I might say how much more debt you have than Cleveland. But I just want to bring out this matter, namely, if the gentleman have not overlooked the fact that the sinking fund will earn large sums of money in the life of the bonds and so cut down the interest on the bonds that the taxpayers eventually have to pay? Is not that true?

Mr. HARRIS, of Hamilton: No; I don't think so. There is no mathematical or other device that will cut down the fixed charge of interest at three and a half per cent per annum.

Mr. DOTY: I am not talking about a fixed charge of interest. I am talking about a sinking fund having large sums of money collected in advance which they can invest and make money.

Mr. HARRIS, of Hamilton: I have already taken into consideration in my calculations that the sinking fund payments will earn three and a half per cent interest annually.

Mr. BAUM: If this is such a good plan and you make money by staving off the payments for forty years, would it not be a good plan for all of us to stave off everything we owe?

Mr. HARRIS, of Hamilton: If you can float bonds for it at three and a half per cent it would be an excellent plan, providing you could get anybody either to credit you originally or buy your bonds for your debts, either of which, judging from the brilliance of your question, I very much doubt.

Mr. EBY: I had not intended to say one word in this discussion until last night when I received such an emphatic request from my county to enter a vigorous protest against this proposal that I now take pleasure in doing so, not only because it represents the sentiments of eighty or ninety per cent of the taxpayers and voters of my county, but because it corresponds with my own convictions. I am in favor of good roads. As an academic statement every man elected to this Conven-

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tion is in favor of good roads, and I have no doubt that if this proposition is submitted to the electorate of Ohio every citizen who votes against it will say he is in favor of good roads. But let us analyze this. Does it mean that it is proposed to put good roads where we don't need them and leave untouched the roads in those localities most needing them? Let us indulge a few minutes in a few figures, because figures properly handled, they say, will not lie.

I have on my desk an estimate from the state highway commission which says the average cost of a ten-foot macadam road is \$5,000 a mile, and that such roads that will have to be built to form an inter-county system will cost about \$8,000 a mile. Now, gentlemen, I do not wish to discuss the relative advantages of the macadam and the paved roads, but I submit it as my opinion that ten or fifteen years from now, when you are reading the reports of the debates of this Convention and about having voted this \$50,000,000 bond issue, you will agree with me when I say that the best macadam road ever built in the state of Ohio is not as permanent an improvement as your automobile shed or stable.

There are some things we cannot do as easily as our friend from Hamilton [Mr. HARRIS] can do by mathematical demonstration and we have to go by experience. The neighboring county of Montgomery and my county six years ago entered upon scientific road building under the direction of the state highway commission and when they completed the road to Dayton and the road leading south from Dayton, the editor of the Dayton News, with his usual enterprise, got out a special edition celebrating the event and advertised the words of the state highway commissioner [Mr. HUSTON] that for years these roads would not need attention. The citizens of Montgomery and Preble counties can tell you the condition of those roads today. So I say if we build the highway system at all commensurate with the wealth and greatness of our state, we shall have to do one of two things—we shall either have to build a paved system of highways, or we will have to adopt the expensive patrol system of Massachusetts and Belgium.

The average cost of a paved highway in Ohio is from \$12,000 to \$14,000 a mile. But the state highway commissioner tells me that \$10,000 to \$12,000 is an economical figure if you do not build them too wide. Then if we get an average cost of only \$10,000 to build these inter-county roads we can only build, if we do not spend one cent for up-keep, 5,000 miles. There are, according to the estimate of the state highway commissioner, about 8,000 miles of road, but we concede that 500 miles of those roads are already built, so that the amount left is 7,500 miles. So we could build just two-thirds, and we would expect the counties to raise enough to complete them. But here is what I object to. I don't think that the gentleman from Hamilton [Mr. HARRIS] could have put this thing further away from the citizens of Ohio if he sat up for nights and nights. He says that under this proposal when you exhaust the \$50,000,000 bond issue, when you complete this inter-county system of roads, you are at an end; you stop. Now, I ask you in the hundred years of Ohio history do you know of any time when any legislative act or any constitutional provision that contemplated a vast expenditure of money did not directly benefit every man, woman and child? I

know you may say that we have had improvements that have never benefited any of us.

Now I am going to oppose this proposition and my reason is not a financial one. It is not because the people of Preble county object to paying the \$490,000 which will be assessed against that county in the next forty years, because Preble county has done well, but it is because you have stated that after you complete the boulevards you have still left the ordinary farmer down in the mud. The other evening I was conversing with a prominent Greene county farmer. He was not a man owning sixteen or eighteen hundred acres of land, but he was an ordinary farmer, and he said to me, "Eby, we are in favor of good roads, but for God's sake don't vote for anything that only makes better the good roads of Greene county or any other single county; let us have roads all over the state." If the gentleman would amend it to have a \$150,000,000 bond issue expended for good roads all over the counties of the state, as a commercial proposition I would support it gladly and the people of Preble county would approve of it at the polls.

Mr. LAMPSON: You say if we would propose to raise \$150,000,000 you would support it. How many of your colleagues would?

Mr. EBY: I said I would follow it as a commercial proposition. I am not trying to rob the people of Ohio of any good roads. Just yesterday I received word from a man who is the largest insurance solicitor in Preble county. He maintains an automobile and he runs it ten months in the year and he said, "It is a fact that I travel the roads other than the inter-county roads which will be benefited by this measure twenty times to once that I travel the inter-county roads, and those inter-county roads are paralleled by good railroads and traction lines." So the position of the men of the smaller counties is not a selfish one because the farmers of Ohio do not get the benefit as a business proposition.

Mr. CAMPBELL: I must say that I have gotten into a very peculiar frame of mind in the last few days. I do not know where we are. I supposed, as a member of the committee on Good Roads, that we had brought before this body a proposition concerning good roads but it seems from the state of mind that some of my colleagues are in that it is a bad roads proposition instead of a good roads proposition, and we are spending a great deal of time here in very interesting personal experiences of ourselves and of our counties. It makes me feel a good deal as I do when I get in an humble and contrite frame of mind and go into a good old Methodist prayer meeting, as I do once in a while, and listen to the personal experiences of the good brethren there who assemble every week and tell the same story week in and week out. It gets a little unprofitable after a little while to those who listen.

Now I am interested in good roads and I want them. I want to begin some work to get some good roads and I don't want to get in the frame of mind of my friend from Coshocton [Mr. MARSHALL] over there when he got to the division of the roads. I am not going to stand there all the rest of my days and not know whether to take the one or the other and not know where I am. That is a very curious situation to be in. I say let us keep an eye on the road and keep our eyes on the

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proposition before us. It is not a bond proposition, it is not a tax proposition; it is an essentially fundamental proposition connected with our homes everywhere. Don't let us stand here and plume the wings of our fancy and preen the tail feathers of our imagination concerning what is going to happen to you and your children forty years from now when you have saddled all this debt on some one. Some of the gentlemen I think have been sitting up at nights lately reading Whitcomb Riley's poems about the goblins, "The goblins will get you if you don't watch out." Now there are no goblins in this proposition; just keep your feet on the road and stop kicking your feet up and down and never getting anywhere. You know as soon as you get off the road you commence walking in a circle and you get back to where you started. A road is essential and a good road is the best. This whole discussion reminds me very much of an incident that occurred out in Kansas some years ago. We have lost sight of the road. There was an old farmer named Pete out there who raised popcorn one year. His neighbors saw it was a good thing and that it brought a good price. Pete thought it was a good thing to go into the business, so he planted forty acres of popcorn. The season was prosperous and he harvested and in the fall he gathered it into his big red barn. Now the people out there were troubled with squirrels and the squirrels came around to Pete's place and stole the corn. Pete shot them, poisoned them and trapped them, but there was one old squirrel shrewder than the others. He couldn't trap him, he couldn't shoot him and he couldn't poison him, and morning after morning Pete went out there with his shot gun but he couldn't touch him. Finally he got desperate, loaded both barrels with a double charge and went out one morning at the break of dawn. He got close to the hole where the squirrel came out and when the squirrel came out Pete shut both eyes and banged away. The gun went off and so did Pete. When Pete recovered consciousness the barn was on fire. He had shot the wads in there and the barn took fire and as the barn burned the corn began to pop and it overflowed everything; it overflowed the barn and the yard and the farm was covered with popcorn two feet deep. We have Pete's statement for that as Pete was on the ground. Pete went down to the corner grocery to meet his old chums and to discuss the question. He told the whole story and he sat down. Silence fell over the audience. By and by one old fellow piped up and said, "Pete, what become of that air squirrel?" Now, gentlemen, let us not lose sight of the squirrel in this proposition. We want the roads. I am not much of a financier, but I know one thing, that if I have not a home, and if I have not any money to build one, and I go out and borrow from my good friend to the right, who looks as if he were a prosperous man, \$3,000 or \$4,000 or \$5,000, and I go to living in the house, paying him the interest and some on the principal and finally get it paid for, I know that I am ahead of the deal. I have paid the interest for so many years, but I have got my home and I have been living in it and I would not have had anything if I had not been able to borrow that money. He may have his interest, but I have gone him one better. I have got my home. So much for the bond issue.

Now, my friends, don't be afraid of goblins. There

are no goblins here and the people back up in the rural "deestricts" know it, too. You can't scare them with such a thing. They know a home and the value of it. And they know this essential thing, that they have not any home until there is a road leading to it. The Indians didn't have any roads and they didn't have any homes. Nobody ever has a home—a good home—until it has a good road leading to it; aye, until they have some good things in it. A man doesn't have a good home until he has a good road leading to it and until he has the wife and the babies there. When our friend was thanking the Lord the other day that he didn't have any children, one of my friends near me handed me a letter and I will read it to you: "My darling Daddy"—doesn't that sound good—"I am so homesick for you. I wish you would be home for tomorrow. Please think of me when you see this. Your dear little girl, Martha."

Yes, gentlemen, it is not a home without the roads and the wife and the baby. I want the home and I want the roads and I want the babies and I want the grandchildren—thank God, I have seven children and one grandchild. I want to make the roads so good that this good father who got that letter from his little daughter can leave here tonight, and go clear home on a good road, and he is not making a slave of her or anybody else when he is voting for that good road.

You can't have a home—and that is all there is in civilization which distinguishes it from savagery and barbarism—you cannot have a home unless you have a good road to get into it. That is a fact, and you are not going to scare the people with all this goblin talk about taxes and roads. (To Mr. Eby, who had risen.) No, Brother Eby, I haven't much time and I can't answer you. Now, as an actual fact, every time one of us gets up and asks a question we don't want any information; we are just pluming the wings of our fancy and preening the tail feathers of our imagination—making oratorical displays at the expense of the Convention and the cost of the people of the state, hoping that we can embarrass the gentleman of whom we are asking the question.

Mr. LAMPSON: In accordance with the suggestion I made at the start, in order to give room for miscellaneous business and for reports from standing committees, I now move that Proposal No. 118 be postponed and placed at the head of the calendar for Monday next.

Mr. MAUCK: I demand the previous question on the matter now pending.

The PRESIDENT: The president cannot entertain the demand for the previous question now.

Mr. HARRIS, of Ashtabula: Did that motion have the necessary second? If so, I didn't hear it.

Mr. PECK: I rise to a point of order. The previous question was demanded after the member from Ashtabula [Mr. LAMPSON] made a motion, and the motion from the member from Ashtabula [Mr. LAMPSON] was the only motion in order at that time, the previous question being moved for too late.

The PRESIDENT: The motion for the previous question was in order, but it was not seconded, so the question is on the motion of the gentleman from Ashtabula [Mr. LAMPSON].

The motion was carried.

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Mr. DOTY: I move that the further consideration of the other two propositions on the calendar be postponed until tomorrow and that they hold their places on the calendar.

The motion was carried.

REPORTS OF STANDING COMMITTEES.

Mr. Kilpatrick submitted the following report:

The standing committee on Equal Suffrage and Elective Franchise, to which was referred Proposal No. 91—Mr. Kilpatrick, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended: Strike out all after the resolving clause and insert the following:

“SECTION 1. At the time when the vote of the electors shall be taken for the adoption or rejection of any revision, alteration or amendments made to the constitution by this Convention, the following article, independently of the submission of any revision, alteration or other amendments submitted to them, shall be separately submitted to the electors in the words following, to wit:

FOR EQUAL SUFFRAGE.

Every citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year preceding the election, and of the county, township or ward in which he or she resides such time as may be provided by law, shall have the qualifications of an elector and be entitled to vote at all elections.

SECTION 2. At such election a separate ballot shall be in the following form:

ELECTIVE FRANCHISE.

	For Equal Suffrage.
	Against Equal Suffrage.

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

SECTION 4. The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words, “For Equal Suffrage”, if he desire to vote in favor of the article above mentioned, and opposite the words, “Against Equal Suffrage”, within the blank space, if he desire to vote against the article above mentioned.

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

Mr. Marshall submitted the following minority report:

A minority of the committee on Equal Suffrage and Elective Franchise, to which was referred Proposal No. 91—Mr. Kilpatrick, recommends that it be indefinitely postponed.

A. M. MARSHALL.

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

Mr. DOTY: It is perfectly apparent that the minority report opens up the whole subject of the proposal itself. Of course, if we are going to have a debate on woman suffrage we can start now, but I move that further consideration of the minority and majority reports be postponed until tomorrow and placed on the calendar for that day.

The motion was carried.

Mr. KILPATRICK: I would like to move at this time that the report of the committee be placed in the proposal book.

The motion was carried.

Mr. PECK submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 184—Mr. Peck, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In line 10 strike out the final words “therefrom by” and in lieu thereof insert a comma after the word “removed” followed by the words “die or resign.”

In line 11 strike out the words “impeachment, disability, resignation or death.”

In line 33 strike out the word “nine” and insert in lieu thereof the word “eight”.

In line 36 strike out the word “nine” and insert in lieu thereof the word “eight”.

In line 39 strike out the words “or until” and in lieu thereof insert the word “unless”.

In line 39 insert a comma after the word “removed”.

In line 40 strike out the words “by death, disability, impeachment or resignation” and in lieu thereof insert the words “die or resign”.

In line 58 strike out the word “like”.

In line 58 strike out the words “with the supreme” and in lieu thereof insert the words “in quo warranto, mandamus, habeas corpus and procedendo”.

In line 59 strike out the word “court”.

In line 60 strike out the word “of” where it appears last in said line and in lieu thereof insert the word “within”.

In line 62 strike out the word “such” where it appears first in said line.

In line 66 after the word “appeals” and before the comma insert the words “sitting in the case”.

In line 68 strike out the words “in a similar case” and in lieu thereof insert the words “upon the same question”.

In line 68 strike out the word “some” and insert the word “any”.

Report of Judiciary Committee Relative to Ordinance of 1787.

Mr. PECK: This report is very important work and should be considered carefully. It is reported unanimously by all the members of the committee present and I know of no dissent to it, but at any rate I move that it be made a special order for the first open day we have.

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

The report was agreed to.

The PRESIDENT: Now, if there is no objection the proposal will be enrolled. You made a motion that it be made a special order for when?

Mr. PECK: Thursday, the 22nd, at 10:45.

Mr. MARRIOTT: If the gentleman from Hamilton [Mr. PECK] will permit a suggestion, I suggest that in the mean time the proposal as amended by your committee be printed and placed upon the desks of the members.

Mr. PECK: I accept that as an amendment to my motion, and we want a number of copies to be printed to be sent to the judiciary throughout the state. We want everybody to be informed about this matter.

Mr. DOTY: I have no objection to the motion, but I call attention to where this motion will land the proposal that the member from Hamilton [Mr. PECK] has just offered. I think he is putting it off longer than he understands. If this matter goes on the calendar it will come up after the proposition of the gentleman from Hamilton [Mr. WORTHINGTON] on Tuesday and it will certainly bring it up to Wednesday.

Mr. PECK: Oh, the good roads business is ahead of it. Roosevelt day is there. I guess we had better let it stand; we won't get to it any sooner.

The motion was carried.

Mr. Peck submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Resolution No. 42—Mr. Bowdle, having had the same under consideration, returns it with the following report:

Having had under consideration generally the question of the legal status of the ordinance of 1787, with reference particularly to its present binding efficacy on the people of Ohio, we have examined exhaustively the legal literature covering the subject found chiefly in the decisions, both federal and state, and in this report we shall endeavor to place the results of our work in brief simple form, adapted to ready comprehension.

First, as to the decisions of the supreme court of the United States:

In 1882 the case of Escanaba Company vs. Chicago, 107 U. S. Reports, 678, was decided. In this case the plaintiff attempted to enjoin the city of Chicago from enforcing the provision of a city ordinance requiring the closing of the drawbridge over the Chicago river within the city limits for one hour, morning and evening—the usual time being ten minutes. It was alleged that this interfered unreasonably with the plaintiff's ore boats in reaching their docks. The claim was made and admitted that the Chicago river was navigable, and therefore under government

jurisdiction. It was also urged that the ordinance of 1787 was infringed in that the fourth article provided that "the navigable waters leading into the Mississippi and St. Lawrence rivers, and the carrying places between, shall be common highways and free forever," and that the city ordinance referred to interfered, etc.

The court, by Justice Field, denied the injunction, holding that, so far as the general government, was concerned, the constitution of the United States, adopted after the ordinance was promulgated, superseded the latter, and that the states erected out of the Northwest Territory, coming into the Union after the adoption of the federal constitution, came in on an equal footing with the original states, and might exercise all the powers of those original states unhampered by the ordinance of 1787.

The injunction, to be sure, was denied, finally, on the simple ground that the alleged interference with traffic on the river was reasonable, and presented no case justifying the writ.

If it be said that the opinion of the court as to the ordinance was obiter, it may be replied that the precise question was raised by counsel, and the court squarely met it, and decided against the binding efficacy of the ordinance.

In 1886 the same question was raised as in the Escanaba case—Huse vs. Glover, 119 U. S., 543.

This case concerned the locking of the Illinois river and the exaction of tolls for the use of the locks. The claim was made, as in the Escanaba case, that under the fourth article of the ordinance of 1787 the state was without power to lock the stream and charge tolls.

The court, by Justice Field, denied the relief asked for and affirmed the doctrine respecting the ordinance of 1787 announced in the Escanaba case.

Among other things the court said "Since the decision of the Escanaba case, we have had our attention called repeatedly to the terms of this clause in the ordinance of 1787 * * * We have held that it did not impair the power which the state could have exercised over its rivers had the clause not existed."

In 1887 the supreme court of the United States decided the case of Sands vs. Manistee River Improvement Co., 123 U. S., 288. The court again passed on this same question. The plaintiff, Sands, sought an injunction to prevent the exaction of tolls for the use of the Manistee river in Michigan, as improved.

The court again affirmed the principle announced in the two preceding cases.

In 1911 the same court in the case of Coyle vs. Smith, 221 U. S., 559, again affirmed the principle announced in the previous cases relative to the ordinance of 1787. This case concerned the removal of the capitol of Oklahoma from Guthrie to Oklahoma City.

The foregoing cases do not exhaust this subject. The United States supreme court has on some twelve occasions denied the binding efficacy

Report of Judiciary Committee Relative to Ordinance of 1787.

of the ordinance of 1787. It would burden this report to cover all these cases.

The philosophy of these harmonious decisions may be stated as follows:

(a) Our national government is based upon, and is bound by, a single document assented to by the several states, viz., the United States constitution. That document, and no other, contains the grants of power (and prohibitions) to the national congress. That document represents the "compact" (if we may deem it such) of the then and the future states.

(b) It is therefore impossible for the national government, based on one solemn document, to admit the binding force of another document, i. e., the ordinance of 1787, and particularly so when that ordinance is by its terms (section 14) binding only between the original states and "the people and states in the said territory."

(c) All the states of the Union are equal, but this equality would be destroyed if the inhabitants of one state had more privileges, guarantees, or immunities than the inhabitants of another state, or were bound by more prohibitions than the inhabitants of another state. Hence, the national government can not admit of a document transcending the one which is the basis of its own existence.

The attitude of the federal government towards this ordinance is thus forever settled — if anything in human affairs can be settled; and the Fourth Constitutional Convention, now sitting, has nothing to fear from that ordinance, so far as the United States supreme court or the national government is concerned.

Were the attitude of the United States supreme court alone involved, no difficulty would appear. It is the attitude of our own supreme court towards that ordinance which concerns us, and presents difficulty.

In the late case of the State of Ohio vs. Boone, decided in June, 1911, 84 O. S., 346, the court, in a well considered opinion, affirms the doctrine announced by Judge Hitchcock in the case of Hogg v. Zanesville Canal Co., 5 Ohio Reports, page 410, and in *Hutchison vs. Thompson*, 9 Ohio Reports, page 62, and says, quoting Judge Hitchcock: "This portion of the ordinance of 1787 is as much obligatory upon the state of Ohio as our own constitution. In truth it is more so; for the constitution may be amended by the people of the state, while this can not be altered without the assent both of the people of the state and of the United States, through their representatives."

The supreme court of Ohio in this Boone case thus follows two precedents, one decided in 1831 and the other in 1839.

In deciding this case the court had squarely before it the decisions of the United States supreme court above referred to, and it disposes of those decisions by simply differing from them, as the court had the right to do.

But the difficulty created by the Boone case is

not insuperable, for the court (pp. 355 and 356) seems to indicate that the making of a new state constitution, which is afterwards accepted by the national government, might raise an implication that the ordinance of 1787 had been altered or abandoned by common consent. (We stop to say, parenthetically, that section 14 of the ordinance pronounces the compact to be "unalterable unless by common consent"). The ordinance itself having expressly provided for its own alteration, it is evident enough that there must be some method of registering the common consent required, etc.

In the case of *Hutchison vs. Thompson* referred to, Judge Grimke said, speaking of the ordinance, "There was in reality but one party to it originally, and that was the general government".

Now, that party, being the general government, speaking by the United States supreme court, has said, effectively, that the constitution of the United States, adopted after the ordinance of 1787, superseded that ordinance. We have thus had the effective consent of the original party to the ordinance to its substantial abrogation. Or, stated differently, we have the government's assent to the non-enforcibility of the ordinance, so far as it, the government, is concerned.

If it be said that the thirteen original states are thirteen parties, also, then, since they could move against Ohio, under the constitution, only through the supreme court of the United States, we have those states effectually bound by the court's declarations.

If the constitution of the United States superseded the ordinance of 1787 — and the U. S. supreme court has so declared — then the assent of the states to that constitution should be deemed an assent to the supersession of the ordinance by the constitution. But, lest this dry logic be deemed altogether too reasonable for purposes of productive litigation, we are certainly justified in saying that:

(a) The ordinance itself provided for its own alteration by common consent.

(b) The nation, which was the original party to the ordinance, has effectively consented to its complete alteration or abrogation.

(c) The states, generally, in ordaining the federal constitution have consented to the alteration or abrogation of the ordinance.

(d) Ohio, particularly, being a party to the ordinance, may consent to its alteration or abrogation, and such consent would, in our judgment, be infallibly implied by the adoption of a new constitution. If the adoption of such new constitution by the people of Ohio assembled in solemn convention does not imply "common consent," we do not know how the consent of a people is to be indicated.

If the nation has assented to the alteration or abrogation of the ordinance — and it has — and if the original states have assented, by the adoption of the federal constitution — and they have

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—then all that is lacking in our judgment (if anything be lacking) is the assent of Ohio, and this we believe is effectively registered by a new constitution. We do not believe there is anything in the Boone case which necessarily conflicts with this view.

The result of our investigation leads us to believe that there is nothing in the ordinance of 1787 to embarrass the deliberations or work of the Fourth Constitutional Convention, and we are of the opinion that the work of the Convention in revising, altering or amending the present constitution should proceed without embarrassing regard for the ordinance of 1787.

On motion of Mr. Peck one thousand copies of the report were ordered printed.

Mr. Doty moved that five copies of said report be placed in the Convention postoffice for each member, and that the remainder be distributed by the bill clerk in the regular way.

The motion was carried.

Mr. Peck submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 100—Mr. Fackler, having had the same under consideration, reports it back with the following amendment, and recommends its passage, when so amended:

Strike out all after line 4 and in lieu thereof insert the following:

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

The report was agreed to.

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

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

Mr. Peck submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 140—Mr. Stokes, having had same under consideration, reports it back with the recommendation that it be indefinitely postponed.

The report was agreed to.

Mr Peck submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 108—Mr. Hahn, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed.

The report was agreed to.

Mr Peck submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 137—Mr. Brown, of Lucas, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed.

The report was agreed to.

Mr Peck submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 133—Mr. Smith, of Geauga, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed, for the reason that it has been covered by report on Proposal No. 184.

The report was agreed to.

Mr Peck submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 158—Mr. Doty, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed.

The report was agreed to.

Mr Peck submitted the following report:

The standing committee on Judiciary and Bill of Rights, to which was referred Proposal No. 142—Mr. Tannehill, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed.

The report was agreed to.

Mr. Kerr submitted the following report:

The standing committee on Legislative and Executive Departments, to which was referred Proposal No. 189—Mr. Hahn, having had the same under consideration, reports it back, and recommends that it be indefinitely postponed.

The report was agreed to.

Mr. Hursh submitted the following report:

The standing committee on Legislative and Executive Departments, to which was referred Proposal No. 50—Mr. Hahn, having had same under consideration, reports it back, and recommends that it be indefinitely postponed.

The report was agreed to.

Mr. Harris, of Ashtabula, submitted the following report:

The standing committee on Legislative and Executive Departments, to which was referred Proposal No. 44—Mr. Hahn, having had same under consideration, reports it back, and recommends that it be indefinitely postponed.

The report was agreed to.

Mr. Doty submitted the following report:

The standing committee on Rules, to which was referred Resolution No. 69—Mr. Doty, having

Change of Rules—Reports of Standing Committees.

had the same under consideration, reports it back and recommends its adoption.

Resolution No. 69 was read as follows:

Resolution No. 69:

Resolved, That Rules No. 80 and No. 83 shall be amended to read as follows:

RULE No. 80. The report of a minority of any committee shall be received, spread upon the journal and treated as an amendment or substitute offered to or for the report of the committee.

RULE No. 83. Any matter intended to become a part of the revised constitution shall be presented by a member of the Convention and shall be designated a proposal, and shall be in writing and shall be spread upon the journal by title, number and author's name. Any proposal passed on its second reading shall be spread at length upon the journal of that day; and any proposal that shall be passed on its third reading shall be spread at length upon the journal for that day, and

Resolved further, That original Rules No. 80 and No. 83 are hereby rescinded.

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

Mr. **ANDERSON**: We would like to have some explanation of that. There might be a sleeper in it.

Mr. **DOTY**: There is no sleeper. I will read Rule 80 on page 35:

The report of a minority of any committee shall be received, printed in the journal and treated as an amendment or substitute offered to or for the report of the committee.

Now that word "printed" in the journal is a mistake. It should be simply "spread upon" the journal. We have no means of printing a journal up here. Things are "spread upon" the journal. Then the same thing occurs in Rule 83:

Any matter intended to become a part of the revised constitution shall be presented by a member of the Convention and shall be designated a proposal, and shall be in writing and shall be printed by title, number and author's name in the journal. Any proposal passed on its second reading shall be printed at length in the journal for that day; and any proposal that shall be passed on its third reading shall be printed at length in the journal for that day.

Now that word "printed at length" should be "spread at length" on the journal, and then following that, "any proposal that shall be passed on its third reading shall be printed at length in the journal for that day" should be "spread at length" on the journal for that day. It is simply a correction of a rule and the error slipped in without being noticed.

The yeas and nays were taken, and resulted — yeas 79, nays none, as follows:

Those who voted in the affirmative are:

- | | | |
|--------------------|--------------------|------------------|
| Anderson, | Harter, Stark, | Okey, |
| Antrim, | Hoffman, | Peters, |
| Baum, | Holtz, | Pierce, |
| Beatty, Morrow, | Hursh, | Price, |
| Beatty, Wood, | Johnson, Williams, | Read, |
| Bowdle, | Keller, | Riley, |
| Brown, Highland, | Kerr, | Rockel, |
| Campbell, | Kilpatrick, | Roehm, |
| Cody, | King, | Shaw, |
| Cordes, | Knight, | Smith, Geauga, |
| Crites, | Kramer, | Smith, Hamilton, |
| Cunningham, | Kunkel, | Solether, |
| Davio, | Lambert, | Stevens, |
| DeFrees, | Lampson, | Stewart, |
| Donahay, | Longstreth, | Stilwell, |
| Doty, | Ludey, | Tetlow, |
| Elson, | Malin, | Thomas, |
| Fackler, | Marriott, | Wagner, |
| Fess, | Marshall, | Walker, |
| Fox, | Matthews, | Watson, |
| Hahn, | Mauck, | Weybrecht, |
| Halenkamp, | McClelland, | Winn, |
| Halfhill, | Miller, Crawford, | Wise, |
| Harbarger, | Miller, Fairfield, | Woods, |
| Harris, Ashtabula, | Miller, Ottawa, | Worthington, |
| Harris, Hamilton, | Moore, | Mr. President, |
| Harter, Huron, | | |

The resolution was adopted.

Mr. Fackler submitted the following report:

The standing committee on Short Ballot, to which was referred Proposal No. 16—Mr. Elson, having had the same under consideration, reports it back with the following amendment, and recommends it passage when so amended:

Strike out all after the word "Resolved" and substitute the following:

That a proposal to amend the constitution shall be submitted to the electors to read as follows:

SECTION 1. (Executive department.) The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney general. The governor, lieutenant governor, and auditor of state shall be elected on the first Tuesday after the first Monday in November by the electors of the state, and at the places of voting for members of the general assembly.

SECTION 2. (Terms of office.) The governor and lieutenant governor shall hold their offices for two years, and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SECTION 5. (Executive power vested in governor.) The supreme executive power of this state shall be vested in the governor. He shall appoint the secretary of state, treasurer of state, attorney general, members of the board of public works, dairy and food commissioner, and commissioner of common schools, and shall have authority to remove any of said officials so appointed.

The report was agreed to.

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

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

Reports of Standing Committees.

Mr. Fackler submitted the following report:

The standing committee on Short Ballot, to which was referred Proposal No. 205 — Mr. Hahn, having had the same under consideration, reports it back to be indefinitely postponed.

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 26 — Mr. Watson, having had the same under consideration, reports it back, and recommends its indefinite postponement.

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 171 — Mr. Anderson, having had the same under consideration, reports it back, and recommends its indefinite postponement.

Mr. ELSON: I move that this proposal, recommended for indefinite postponement, be referred back to the committee on Liquor Traffic. I think it will be necessary for the committee to consider some of these proposals further. I had intended to include the proposal of Mr. Watson in this motion, but I was nodding and didn't think of it at the time. I am sure the committee on Liquor Traffic has not properly considered these proposals. I happen to be a member of that committee, and I know that we have hardly considered them at all, and on the supposition that there may be something in them that we would want to look over, I think it best that they be referred back to the committee.

Mr. DOTY: It must be perfectly apparent to the members that if a majority of the members of the Liquor Traffic committee have signed the report that, so far as the committee is concerned, the committee is through with that matter.

Mr. ANDERSON: What is the difference between the proposition with reference to No. 171 today and No. 151 the other evening?

Mr. DOTY: I don't know what the difference is. I have not read either. I can not give the information the gentleman seems to want.

Mr. ANDERSON: Didn't you refer back No. 151 the other day?

Mr. DOTY: You want the difference in the situation and not the difference in the proposals. The conditions are different. The Liquor Traffic committee hadn't made a report to this Convention either way on that proposition. It was a fair assumption upon the part of the Convention that the committee having possession of the proposed bill, still had it under consideration. Here is quite a different situation.

Mr. ANDERSON: Now will you permit me —

Mr. DOTY: No; I will answer that question first and then take the next one. The proposition now is that the committee has come in in regular course of its business, at least as far as the records show, and have actually made a report. Now, unless the member thinks, or has some reason to believe, that he can persuade some member of the committee whose name is now upon that

proposal to change his mind about the proposal, there is nothing to be gained by referring it back to the committee. I don't know anything about the subject matter of the proposals, but there is quite a difference between the situation obtaining now and the one obtaining the other day.

Mr. ELSON: I am not sure there is anything in these proposals that will need to take much of your time, but there is a probability that something might need attention, which we in our haste did not give it. It cannot do any harm to recommit it and possibly the committee will dispose of those proposals in a very short time, but they will look into them more carefully than they did. We were so intent on the King proposal that we forgot the rest, and they were not considered in the committee at all. I think they should be considered. I have an impression that there may be something there, and, if so, why not give us an opportunity to see?

Mr. DOTY: I suspect that what the member was really after was to prevent summary disposal of the matters now. I have no objection. Now, what is the use in sending that back to the committee when they have already submitted a report signed by a majority of the committee disposing of it? It seems to me foolish to send it back.

Mr. WOODS: Were these considered in the caucus last night?

Mr. DOTY: You were as near a caucus last night as I was.

Mr. KING: The motion of the gentleman from Athens is strange, to my mind. We had a full meeting of this committee, one of the regular committees of this body, to which were referred these different proposals. At that meeting, at which the member from Athens was present, this proposal that is now before the house was taken up and the committee decided to report to this Convention that this proposal be indefinitely postponed, and we have never had any other meeting of the committee to reconsider that action. Now the gentleman wants the Convention to consider it and sends it back to us. That seems to me rather a strange provision. The committee has considered it and has made this report, and it seems to me that should be the end of it.

Mr. ROEHM: I would like to ask the gentleman a question, whether it is not a fact that there was no objection to the indefinite postponement of these proposals by any member of the committee?

Mr. KING: The disposition of the report was by unanimous vote.

Mr. STEVENS: I rise to a question of privilege. There was a vote against it, for I cast it.

Mr. ELSON: We really did not have time to consider them. We were so taken up with the King proposal that we didn't consider any of the rest.

Mr. KING: These proposals were before the committee for weeks. I suppose every member read them and I suppose they all knew the import of the language and the effect of the language, and when that motion was adopted in the committee I supposed it was the action of the committee.

Mr. FESS: I think I can clear the atmosphere a little on the question asked by Judge Roehm. When the motion was made to postpone these proposals indefinitely

Reports of Standing Committees.

ly, I personally raised objection to it, and said that probably we would want to consider them later. Then one of the members of the committee suggested that we ought to have our record made out, and it would be necessary to take action on the report in order to preserve the record, and that was why the report was ordered postponed indefinitely. I think the chairman will admit that.

Mr. RILEY: Is it not a fact that there was a question —

Mr. DOTY: I rise to a point of order. There was a report of a committee called the Liquor Traffic committee and it has been before the house and there is a motion pending. We are interested in keeping their records of that affair straight. That is not a matter before this Convention.

Mr. FESS: I would like to know how the gentleman from Cuyahoga [Mr. DOTY] gets the floor so often?

Mr. HALFHILL: May I ask the gentleman from Greene a question? Was this a full committee?

Mr. FESS: No; the committee was not "full."

Mr. HALFHILL: I think in view of the tangles and the condition the committee seems to be in that that was a pertinent inquiry.

Mr. LAMPSON: Does the gentleman think if the committee had been full there would have been any different report?

Mr. FESS: I simply wanted to make a statement as a member of the minority to try to clear up and justify the position that was taken by the chairman of the committee. That was all. I did object at the time to the postponement for the reason I have just stated, but I do not see that we can take any other position now, and on the consideration of the main question if any proposition which is indefinitely postponed is desired to be offered it can be. I am sorry they were indefinitely postponed, but I do not see that anything can be done.

Mr. BOWDLE: I do not know whether I am right in assuming that the position taken by the two gentlemen on the other side is intended to imply that these reports have prematurely come out of the committees.

Mr. FESS: Not I.

Mr. BOWDLE: I felt very sure of that. That relieves me, because I certainly would not want to be placed in the position of handing out reports prematurely. I felt, and I think a majority of the committee felt, that so far as the liquor question was concerned our opinions are fixed—a kind of bath of inflexible collodion—and there was no possibility of any great change, and we also felt that when we passed favorably on the King proposal that that carried with it all the other proposals. However, since the gentleman disclaims any intention of reflecting on me, I have nothing further to say.

Mr. KNIGHT: This is the first time in my experience that the deliberations of a committee have been brought upon the floor of the Convention. Whatever may have been the form of the motion in the committee, as a member of the minority I think it was definitely determined that those reports that have been submitted would be reported back as they have been. I think what was presented here today was understood by every mem-

ber of the committee. I have nothing to say upon the merits of the pending motion.

Mr. WINN: It is of little importance to us whether that particular motion prevails or not, and it may be that it is of no consequence whether these reports are submitted now or some other time. Still there is a possibility that the withholding of the reports for some time might be of some importance. It is assumed all around that both the minority and the majority of the committee have exhausted their efforts and that the majority report represents the best thought of a majority of the committee and the minority report represents the best thought of the minority of the committee. That is, so far as the pending question is concerned. That is probably so, and it is the opinion of a majority, perhaps of all of us, that when these matters come before the Convention this week we are going to dispose of them and have the liquor question out of the way, but suppose that is not so, and suppose neither the majority nor the minority report is adopted when it comes to a roll call, it might then be of some importance to us to have these other proposals. The majority of the committee, having all the reports, might overcome the entire objection by holding the reports a while until we get rid of the main question next week, so if we have no further use for them they can then be indefinitely postponed.

Mr. KING: I want to ask a question. If a committee decides to report these proposals for indefinite postponement, is it not the duty of the chairman to make the report?

Mr. WINN: No doubt of it.

Mr. KING: Otherwise we are liable to the rule that any delegate can call his proposal out of the committee and put it before the house for a vote just as the gentleman from Mahoning did the other day.

Mr. WINN: I suppose that is so. It might become of considerable importance. Suppose next week we do not agree at all. It may be that some one would like to take up one of these propositions and submit it. That would take some time.

Mr. ELSON: I had no thought of such a thing and I don't have it now. I simply would want to hold these in reserve if we can't agree on the other.

Mr. ANDERSON: I think No. 171 had better be postponed indefinitely for the reason that it contains the same matter as No. 216.

Mr. ELSON: I beg to withdraw my motion as to that particular one then.

Mr. ANDERSON: You can do that, I suppose, when you get the floor, but I have the floor. You can't do anything while I have the floor. No. 151 was not considered probably for the reason mentioned by the gentleman from Hamilton [Mr. BOWDLE], because their minds were made up before they came. No. 151 was not considered at all by the committee in the way of determining whether or not the proposition of law I submitted to them was good or not. The gentleman from Montgomery [Mr. ROEHM] suggested in the committee, when Mr. Elson was trying to press the question recommending No. 151, that he had not considered it enough. I know that he did not consider it in any way after that, or before that either, for that matter. Consequently those men who had made up their minds before coming

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here probably knew of the so-called King proposal before they got here, and had made up their minds that they wanted that and nothing else and never considered for one moment No. 151. Now Mr. President, as to the other proposals, I prefer to have them indefinitely postponed because when this question finally comes on the floor of this house this No. 151 will determine whether we want to retain on the statute books the regulatory temperance clause that we have in the constitution now or whether we do not. When No. 4 comes up we could propose an amendment under the line of eliminating the brewery-owned saloons and the similar restrictions, so it strikes me, so far as No. 171 and No. 216 are concerned, we should vote with the chairman of the committee to indefinitely postpone them.

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 59—Mr. Halfhill, having had the same under consideration, reports it back, and recommends its indefinite postponement.

Mr. Elson moved that the proposal be recommitted to the committee on Liquor Traffic.

The motion was lost.

The report of the committee was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 55—Mr. Tallman, having had the same under consideration, reports it back, and recommends its indefinite postponement.

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 182—Mr. Norris, having had the same under consideration, reports it back and recommends its indefinite postponement.

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 159—Mr. Dunn, having had the same under consideration, reports it back and recommends its indefinite postponement.

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 154—Mr. Winn, having had the same under consideration, reports it back and recommends its indefinite postponement.

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 186—Mr. Watson, having had same under consideration, re-

ports it back and recommends its indefinite postponement.

Mr. Elson moved that the proposal be recommitted to the committee on Liquor Traffic.

The motion was lost.

The report of the committee was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 31—Mr. Miller, of Fairfield, having had same under consideration, reports it back and recommends its indefinite postponement.

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 32—Mr. Marriott, having had the same under consideration, reports it back and recommends its indefinite postponement.

The report was agreed to.

Mr. MAUCK: I would like to present these reports from the committee on Corporations other than Municipal in the name of Mr. Hoskins.

Mr. DOTY: I object to that. Mr. Hoskins is not here.

The PRESIDENT: Does the member from Gallia [Mr. MAUCK] submit the report?

Mr. MAUCK: Yes; I will make the report.

The report was read as follows:

The standing committee on Corporations other than Municipal, to which was referred Proposal No. 111—Mr. Hahn, having had the same under consideration, reports it back to be indefinitely postponed.

The report was agreed to.

Mr. Mauck submitted the following report:

The standing committee on Corporations other than Municipal, to which was referred Proposal No. 49—Mr. Hahn, having had the same under consideration, reports it back for indefinite postponement.

The report was agreed to.

Mr. Mauck submitted the following report:

The standing committee on Corporations other than Municipal, to which was referred Proposal No. 117—Mr. Elson, having had the same under consideration, reports it back, to be indefinitely postponed.

The report was agreed to.

Mr. Mauck submitted the following report:

The standing committee on Corporations other than Municipal, to which was referred Proposal No. 113—Mr. Hahn, having had the same under consideration, reports it back, to be indefinitely postponed.

The report was agreed to.

Mr. Mauck submitted the following report:

The standing committee on Corporations other than Municipal, to which was referred Proposal

Reports of Standing Committees—Introduction of Proposals—Petitions and Memorials.

No. 51—Mr. Miller, of Crawford, having had the same under consideration, reports it back with the following amendment, and recommends its passage when so amended:

In line 11, after the word "mutual" strike out the word "fire."

The report was agreed to.

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

INTRODUCTION OF PROPOSALS.

The following proposals were introduced and read the first time:

Proposal No. 259—Mr. Read. To submit an amendment to article II, section 25, of the constitution.—Relative to sessions of the general assembly.

Proposal No. 260—Mr. King. To submit an amendment to article XV, section 4, of the constitution.—Relating to eligibility to office.

Proposal No. 261—Mr. Halenkamp. To submit an amendment to article XV, section 2, of the constitution.—Relative to state printing.

Proposal No. 262—Mr. Keller. To submit an amendment to article II, section 1, of the constitution.—Relative to the initiative and referendum.

Proposal No. 263—Mr. Matthews. To submit an amendment to article II, section 16, of the constitution.—Relative to governor's veto.

PETITIONS AND MEMORIALS.

Mr. Brattain presented the resolution of the Farmers' Institute of Haviland, relative to woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Brown, of Highland, presented the petition of E. E. Polley and fifty-nine other citizens of Greenfield, in favor of the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Kerr presented the petitions of T. I. McRae and twenty other citizens of Toronto; of I. L. Kinsey and sixty-five other citizens of Mt. Pleasant, opposing license Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Kerr presented the petition of C. P. Hutterly and two hundred ninety-seven other citizens of Jefferson county, favoring the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Halfhill presented the petitions of the Rev. W. E. Childs and twenty-seven other citizens of Lafayette; of David Stecker and twenty-eight other citizens of Lima, protesting against any license clause being placed in the constitution; which were referred to the committee on Liquor Traffic.

Mr. Campbell presented the petitions of H. E. White and other citizens of Deshler; of the Rev. W. S. Philpott and other citizens of Deshler, protesting against the licensing of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Dunlap presented the petition of J. A. Currier and thirty other citizens of Hamden, protesting against the adoption of Proposal No. 4, relative to the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Marriott presented the petition of P. J. McCarty

and forty-seven other citizens of Delaware, asking for the adoption of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Marriott presented the petitions of College Equal Suffrage League, of Columbus; of the Ohio Woman's Suffrage Association, of Warren, having a membership of one hundred eight members, praying for the enfranchisement of the women of the state; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Marriott presented the petitions of the Asbury M. E. church, of Delaware; of the members of the Methodist Episcopal church, of Ashley, protesting against the submission of a mandatory, unrestricted license clause in the constitution; which were referred to the committee on Liquor Traffic.

Mr. Marriott presented the petition of the W. C. T. U. and five hundred citizens of Delaware county, protesting against the adoption of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Stokes presented the petitions of W. E. Alleman of Dayton; of the Montgomery county Christian Endeavor Union, protesting against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Solether presented the petition of W. C. Chapman and sixteen other citizens of Wood county, protesting against the manufacture and sale of cigarettes; which was referred to the committee of the Whole.

Mr. Miller, of Fairfield, presented the petition of R. A. Sain and other citizens of Fairfield county, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Fackler presented the petition of Fred Herbersman and sixty-eight other citizens of Cuyahoga county, asking for the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petition of the National Association Opposed to Women Suffrage, begging no amendment be passed substituting the question of woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Bigelow presented the petitions of the Warder Street Methodist church, of Dayton; of the Belmont U. B. church, of Dayton; of T. H. Sweeney and thirty other citizens of Dayton; of the Rev. Frederick W. Hass, of Barberton; of the non-partisan Women's Temperance Union, of Mansfield; of M. L. McGee, of Dayton; of the churches and schools of Morristown; of the Rev. R. H. Rockel, of East Palestine; of Dora B. Stinson and other citizens of Marshallville; of George W. Stevens of Dayton; of the brotherhood of the Methodist Episcopal church of Clarington; of the Kansas M. E. Sunday school; of Mrs. Mary Whitney Arnold of Fremont; of Ernest Zimmerman and many citizens of Wooster; of one hundred fifteen women of Greenfield; of Cliff Williams, of Lisbon; protesting against a license clause in the constitution; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of H. T. Hauff and twelve other citizens of Crestline; of E. M. McDowell and eleven other citizens of Crestline; of M. Wilkinson and twenty other citizens of Crestline; of Harry Breen and twenty-one other citizens of Crestline

Petitions and Memorials.

asking for the passage of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of Jos. Konrad and thirteen other citizens of Ashtabula county; of Paul Winner and four other citizens of Belmont county, of Wm. L. Knuth of Clark county; of Chas. Harsha and ninety-one other citizens of Columbiana county; of J. W. Robertson and sixty-one other citizens of Crawford county; of J. H. Stewart and six other citizens of Cuyahoga county; of Earl Rehm, of Defiance; of Fred C. Printy of Erie county; of C. W. Sullivan and twenty-seven other citizens of Franklin county; of Homer Flora and thirty-two other citizens of Highland county; of Walter Healer and forty-three other citizens of Jefferson county; of W. E. Smith and ten other citizens of Lawrence county; of C. H. Wright and one hundred eight other citizens of Lucas county; of Albert McGrath and forty-one other citizens of Marion county; of W. C. Arick and thirty-eight other citizens of Medina county; of W. C. Wiper of Muskingum county; of Ora Grable of Stark county; of John C. Unger of Ottawa county; of Albert S. Hofman and ninety-five other citizens of Summit county; of James Kile of Trumbull county; of Charles Shears of Washington county; of E. S. Bryant of Wood county; of D. Rettig of Richland county, asking for the passage of Proposal No. 4 introduced by Mr. King; which were referred to the committee on Liquor Traffic.

Mr. Cunningham presented the petitions of W. W. Kilpatrick and forty-two other citizens of Harrison county; of the Harrison county Pomona Grange in favor of the prohibition of liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Beyer presented the petition of the Rev. M. C. Dye and sixty other citizens of Hancock county, protesting against the submission of a license clause in the constitution; which was referred to the committee on Liquor Traffic.

Mr. Crites presented the petition of J. F. Carle and one hundred seventy other citizens of Pickaway county, in favor of the King proposal; which was referred to the committee on Liquor Traffic.

Mr. Crites presented the petitions of W. E. Prior and fifty-two other citizens of New Holland; of G. A. Clellan and sixteen other citizens of Pickaway county; of A. B. Vlerebome and fifty-two other citizens of Circleville, protesting against the passage of the King proposal; which were referred to the committee on Liquor Traffic.

Mr. Doty presented the petition of George Bard and thirty-nine other citizens of Cleveland, requesting this Convention to adopt Proposal No. 4, without amendment; which was referred to the committee on Liquor Traffic.

Mr. Davio presented the petition of Frank Hyduk and twenty-six other citizens of Cuyahoga county, in

favor of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Leete presented the petitions of S. E. Davis and forty-seven other citizens of Ironton; of H. E. Sauder and sixteen other citizens of Ironton; which were referred to committee on Liquor Traffic.

Mr. Smith, of Geauga, presented the petitions of O. S. Herrick and eleven other citizens of Chesterland; of E. M. Mills and thirteen other citizens of Burton; of C. F. Gilmore and seventeen other citizens of Chester, protesting against the passage of the King proposal; which were referred to the committee on Liquor Traffic.

Mr. Holtz presented the petition of the Kansas M. E. Sunday-school, protesting against licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. King presented the petition of H. P. Dettman and twenty-five other citizens of Piqua, asking for the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Pettit presented the petition of the Rev. J. F. Young and forty-nine other citizens of Seaman, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. McClelland presented the petition of C. F. Ransbottom and eleven others of Utica, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Thomas presented the petition of William Wait and forty other citizens of Cuyahoga county, in favor of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Antrim presented the petition of the Rev. F. M. Houser and thirty-two other citizens of Van Wert county, against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Tetlow presented the petition of B. L. Stockdale and three hundred other citizens of Columbiana county, in favor of the licensing of intoxicating liquors; which was referred to the committee on Liquor Traffic.

Mr. Watson presented the petition of Frank W. Johnson and other citizens of Guersney county, asking for the consideration and support of the good roads amendment to the constitution; which was referred to the committee on Good Roads.

Mr. Watson presented the petitions of the Buffalo Presbyterian church, of Cumberland; of Edna Harper, of Cumberland, of C. W. Johnson and other citizens of Guernsey county; of H. W. Holmes and sixty other citizens of Cumberland; of W. H. Stewart and other citizens of Guernsey county, protesting against licensing of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. KILPATRICK: I move that the Convention adjourn.

The motion was carried.