

EIGHTH DAY

MORNING SESSION.

WEDNESDAY, January 24, 1912.

The Convention met pursuant to adjournment, was called to order by the president, and opened with prayer by the member from Clermont [Mr. DUNN].

The journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. Davio presented the petition of city council of Cleveland, extending invitation to this Convention to meet in Cleveland; which was referred to the committee on Rules.

Mr. Miller, of Crawford, presented the petition of J. C. Burkett and four hundred other citizens of Troy, Ohio, relative to liquor license; which was referred to the committee on Liquor Traffic.

Mr. Earnhart presented the petition of Silas H. Thornburg and six thousand Friends of Wilmington Yearly Meeting, of Clinton county, relative to the liquor question; which was referred to the committee on Liquor Traffic.

Mr. Pierce presented the petition of Frances E. C. Griffiths, president of W. C. T. U. and three other citizens of Oxford, Butler county, representing twenty-two members, against a threatened attempt to put a high license clause in the new state constitution and to outlaw the traffic in intoxicants throughout the entire state; which was referred to the committee on Liquor Traffic.

Mr. Harbarger presented the petition of Alma A. Kohr, and fourteen other citizens of Franklin county, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Harbarger presented the petition of Ella Fuller and one hundred other citizens of Franklin county, relative to woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Harbarger presented the petition of Local No. 11, United Brotherhood of Carpenters and Joiners of America, of Cuyahoga county, relative to the initiative and referendum and woman's suffrage; which was referred to the committee on the Initiative and Referendum.

Mr. Harbarger presented the petition of the Ohio Woman's Suffrage Association, of Warren county, relative to woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Harbarger presented the petition of the Toledo Council of Women, of Lucas county, relative to equal suffrage for women; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Fess presented the petition of J. C. Burkett and four hundred other citizens of Miami county, relative to the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Thomas presented the petition of A. Ed von Ende and other citizens of Cuyahoga county, relative to bill of rights and recall; which was referred to the committee on Judiciary and Bill of Rights.

MOTIONS AND RESOLUTIONS.

Mr. HALFHILL: I offer a resolution.
The resolution was read as follows:

Resolution No. 36:

WHEREAS, The first four roll calls of the counties under the rule for introducing proposals resulted in the submission of one hundred and eighteen proposals to revise, alter, amend, substitute or supplement divers articles and sections of the constitution; and examination of these proposals shows that a great number of them belong only to the domain of legislative action; therefore:

Resolved, That it is the sense of this Convention, expressed for counsel and guidance to its standing committees, that the constitution of Ohio should establish and contain only general principles and provisions of fundamental law, and details of expediency, both as to substantive law and rules of administration, should be left to the legislature as proper subject matter for the statutes.

The resolution was laid over under the rule.

Mr. ELSON: I offer a resolution.

The resolution was read as follows:

Resolution No. 37:

WHEREAS, There is some doubt as to the legality of submitting separate amendments or propositions to the people on a day other than that on which the constitution proper will be voted on; therefore.

Be it resolved, That a committee of five be appointed to confer with the attorney general of Ohio concerning this matter and to report to the Convention at their earliest convenience.

Resolved further, That this committee consist of the following members: Anderson, Marriott, Worthington, Halfhill and Taggart.

The resolution was laid over under the rule.

Mr. PETTIT: I offer a resolution.

The resolution was read as follows:

Resolution No. 38:

Resolved, That the Honorable W. J. Bryan, of the United States, be invited by the president of this Convention to visit and address this Convention at some future date to be fixed by Mr. Bryan.

Mr. PETTIT: I move that the rules be suspended, and that action be taken on the resolution.

The motion was carried.

The resolution was adopted.

Mr. DOTY: I offer a resolution.

The resolution was read as follows:

Resolution No. 39:

WHEREAS, A number of citizens and corporations of the state of Ohio have employed C. S. Gongwer to furnish them information concerning the work of this Convention from day to day, and

WHEREAS, All publicity including such as herein referred to is to be welcomed and encouraged within proper limits, therefore

Motions and Resolutions.

Resolved, That the president is hereby authorized to admit Mr. Gongwer to the floor of the Convention under such conditions as he may deem wise to impose.

The resolution was laid over under the rule.

Mr. KING: I offer a resolution.

The resolution was read as follows:

Resolution No. 40:

Resolved, by the Constitutional Convention of the state of Ohio, That the several sections of the constitution be numbered with serial and continuous numbers from one upward; that the several subjects be separated by appropriate titles and that the constitution be not divided into articles or any duplicating numbering of sections.

The resolution was laid over under the rule.

Mr. DOTY: I move that the president of this Convention be authorized to invite in the name of the Convention Messrs. Baker, mayor of Cleveland, Whitlock, mayor of Toledo, and Hunt, mayor of Cincinnati, to address this Convention at 11:30 tomorrow morning.

Mr. PECK: Do we sit around here to hear lectures, or are we here for business? I am getting tired of this thing — the people coming in and making speeches that have nothing to do with us. I shall vote against this resolution.

The PRESIDENT: The question before the house is on the adoption of the motion of the member from Cuyahoga, Mr. Doty.

Mr. DUNN: We are certainly here to receive information on any important subject, and if these men can in their addresses give us any information which shall be of help to us in our work here, I think that we ought to give them a little time.

Mr. DOTY: Of course, the member has stated the thing succinctly and very well. These gentlemen are in the city attending a convention that has to do very largely with the making of the constitution that we are called upon to make. They are students of municipal requirements, and have been for years, and I don't think that we know so much that we cannot learn a little more; and if perchance we could learn just one little thing from them it will aid us in our work. Our work in the Convention is not so pressing. We are coming here and receiving proposals by my colleague of Cincinnati — he with others — and we haven't turned out anything from this as yet. We should not introduce quite so many proposals, as some of our members are in the habit of doing. Of course we are here for business, and a part of our business is to find out what we have to do, and I think that the only way to find out is to ask somebody who knows — ask the other fellows, and if they know about these things we ought to let them tell us.

Mr. HALFHILL: For myself, I should like to hear the distinguished gentlemen who have been invited to favor us, and I wish there was some way in advance of conveying to them, and each of them, that we would like to hear them upon the operation of the Smith one per cent. tax law in Cincinnati and Cleveland, and the operation of other measures in our cities.

Mr. TALLMAN: I am a member of the committee on Municipal Government. I think this is as important, or about as important, a subject as this Convention has

to deal with. The government of our cities has been the most important question with which the state has had to contend. I am desirous of hearing these men along the line of city government, municipal government, and I hope this resolution will pass.

The motion was carried.

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

The resolution was read as follows:

Resolution No. 41:

Resolved, That the use of telephones is limited to members of this Convention, and no charges in reverse shall be permitted.

The sergeant-at-arms is directed to require compliance with these limitations.

By unanimous consent the rules were suspended and the resolution was considered at once.

The resolution was adopted.

Mr. KNIGHT: I have a communication which I ask to have read by the secretary, with the permission of the house.

The communication was read as follows:

To the Officers and Members of the State Constitutional Convention, Columbus, Ohio.

GENTLEMEN:—The Columbus Chamber of Commerce begs to present its compliments to your most honorable body, and urges its presence on the occasion of the dedication of our city's new federal building, at 2:30 o'clock, on the afternoon of the 30th inst, President Taft delivering the principal dedicatory address.

A guest badge has been sent to each delegate going to make up your membership; and, as you are informed in letter accompanying, special reservation has been made looking to the comfortable seating of all.

THE COLUMBUS CHAMBER OF COMMERCE,

JOHN Y. BASSELL,
General Secretary.

Mr. DOTY: I move that the invitation be accepted. The motion was carried.

The PRESIDENT: Are there any more resolutions or motions?

Mr. BOWDLE: I offer a resolution.

The resolution was read as follows:

Resolution No. 42:

WHEREAS, By a recent decision of our supreme court, the people of this commonwealth are apprised that we are bound by three constitutions,—that of 1851, the federal constitution, and the ordinance of 1787, and

WHEREAS, This decision of our court leaves us in a predicament where we may pass an unconstitutional constitution; therefore

Be it resolved, That a committee of three be appointed to report to this Convention on the actual number of constitutions now binding upon us and the relations of the ordinance of 1787 to the proposed constitution.

Mr. DOTY: I move that the resolution be referred to the committee on Judiciary and Bill of Rights.

The motion was carried.

Motions and Resolutions—Introduction of Proposals, Etc.

Mr. BEYER: I offer a resolution.
The resolution was read as follows:
Resolution No. 43:

WHEREAS, Every member of this body must consider the final adoption of the new constitution by the people of the state of Ohio the highest honor that can be granted to them;

WHEREAS, There is evident danger that by the incorporation of new important measures in the new constitution or important changes of articles in the old constitution the final adoption of the new costly law might be jeopardized;

WHEREAS, Furthermore, in some parts of the state of Ohio the idea will be probably artificially cultivated that the new constitution must be defeated by any means, regardless of how carefully it may be written, therefore,

Resolved, by the Constitutional Convention of the state of Ohio, That not only amendments concerning the liquor traffic but all such other measures which might endanger the new law shall not be incorporated in same, but each such item shall be submitted to the people of the state of Ohio for a separate vote thereon, at an election to be held at least three weeks after the ballot on the adoption of the new constitution.

The resolution was laid over under the rule.

INTRODUCTION OF PROPOSALS.

The following proposals were introduced and read the first time;

Proposal No. 119 — Mr. Pettit. To submit an amendment to article II, section 27, of the constitution. — Relative to the election of United States senators.

Proposal No. 120 — Mr. Rockel. To submit an amendment to article IV, section 7, of the constitution. — Relative to probate court.

Proposal No. 121 — Mr. Dunn. To submit an amendment to the preamble of the constitution.

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

Proposal No. 123 — Mr. Farrell. To submit an amendment to article VIII, section 14, of the constitution. — Relative to limitation of working hours on public works.

Proposal No. 124 — Mr. Thomas. To submit an amendment to article VI, sections 3 and 4, of the constitution. — Relative to education.

Proposal No. 125 — Mr. Thomas. To submit an amendment to the constitution. — Relative to amendments.

Proposal No. 126 — Mr. King. To submit an amendment to article II of the constitution. — Relative to the merit system of appointment.

Proposal No. 127 — Mr. King. To submit an amendment to article XIII, sections 1, 2, 3 and 4, of the constitution. — Relative to corporations.

Proposal No. 128 — Mr. King. To submit an amendment to article XIII, section 6, of the constitution. — Relative to municipal corporations.

Proposal No. 129 — Mr. King. To submit an amendment to article V, sections 1 to 6, of the constitution. — Relative to the elective franchise.

Proposal No. 130 — Mr. Miller, of Fairfield. Relative to taxation.

Proposal No. 131 — Mr. Miller, of Fairfield. Relative to strikes, riots and great industrial disturbances.

Proposal No. 132 — Mr. Jones. To submit an amendment to article XII, sections 1 and 2, of the constitution. — Relative to taxation.

Proposal No. 133 — Mr. Smith, of Geauga. To submit an amendment to article IV, section 6, of the constitution. — Relative to jurisdiction of courts.

Proposal No. 134 — Mr. Halenkamp. To submit an amendment to article I of the constitution. — Relative to injunctions.

Proposal No. 135. — Mr. Walker. To submit an amendment to article XI, sections 1, 2, 3, 4 and 5, of the constitution. Relative to the house of representatives.

Proposal No. 136 — Mr. Walker. To submit an enacting clause to the constitution.

Proposal No. 137 — Mr. Brown, of Lucas. To supplement article IV of the constitution by adding section 23.

Proposal No. 138 — Mr. Anderson. To submit an amendment to article XIII, sections 1 and 6, of the constitution. — Relative to home rule for cities.

Proposal No. 139 — Mr. Stewart. To submit an amendment to article XII, by the addition of sections 3, 4 and 5. — Relative to registration of bonds.

Proposal No. 140. — Mr. Stokes. To submit an amendment to article IV, section 9, of the constitution. — Limiting the jurisdiction of justices of the peace to the township in which they are elected.

Proposal No. 141. — Mr. Stokes. To submit an amendment to article II, section 33, of the constitution. — Forbidding change of salary of officers after election or appointment.

Proposal No. 142 — Mr. Tannehill. To submit an amendment to article IV, sections 1, 2, 3, 4, 5, 6, 7 and 8, of the constitution. — Relative to the various courts of Ohio and to abolish the circuit court and the probate court.

Proposal No. 143 — Mr. Moore. To submit an amendment to article XII, section 1, of the constitution. — Relative to poll tax.

Proposal No. 144 — Mr. Eby. To submit an amendment to article I, section 1, of the constitution. — Relative to initiative and referendum.

Proposal No. 145 — Mr. Wise. To submit an amendment to article V, section 1, of the constitution. — Relative to elective franchise.

Proposal No. 146 — Mr. Taggart. To submit an amendment to article IV, section 2, of the constitution. — Relative to the supreme court.

Proposal No. 147 — Mr. Stalter. Relative to crimes and offenses.

REFERENCE TO COMMITTEES OF PROPOSALS.

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

Proposal No. 94 — Mr. Fess. To the committee on Municipal Government.

Proposal No. 95 — Mr. Fess. To the committee on Education.

Reference of Proposals—Mileage.

Proposal No. 96—Mr. Fess. To the committee on Education.

Proposal No. 97—Mr. Fess. To the committee on Education.

Proposal No. 98—Mr. Fess. To the committee on Education.

Proposal No. 99—Mr. Jones. To the committee on Judiciary and Bill of Rights.

Proposal No. 100—Mr. Fackler. To the committee on Judiciary and Bill of Rights.

Proposal No. 101—Mr. Hahn. To the committee on Labor.

Proposal No. 102—Mr. Hahn. To the committee on Judiciary and Bill of Rights.

Proposal No. 103—Mr. Hahn. To the committee on Judiciary and Bill of Rights.

Proposal No. 104—Mr. Hahn. To the committee on Judiciary and Bill of Rights.

Proposal No. 105—Mr. Hahn. To the committee on Judiciary and Bill of Rights.

Proposal No. 106—Mr. Hahn. To the committee on Judiciary and Bill of Rights.

Proposal No. 107—Mr. Hahn. To the committee on Judiciary and Bill of Rights.

Proposal No. 108—Mr. Hahn. To the committee on Judiciary and Bill of Rights.

Proposal No. 109—Mr. Hahn. To the committee on Municipal Government.

Proposal No. 110—Mr. Hahn. To the committee on Judiciary and Bill of Rights.

Proposal No. 111—Mr. Hahn. To the committee on Corporations other than Municipal.

Proposal No. 112—Mr. Hahn. To the committee on Corporations other than Municipal.

Proposal No. 113—Mr. Hahn. To the committee on Corporations other than Municipal.

Proposal No. 114—Mr. Hahn. To the committee on Taxation.

Proposal No. 115—Mr. Rockel. To the committee on Judiciary and Bill of Rights.

Proposal No. 116—Mr. Kehoe. To the committee on Banks and Banking.

Proposal No. 117—Mr. Elson. To the committee on Corporations other than Municipal.

Proposal No. 118—Mr. Lampson. To the committee on Good Roads.

REPORTS OF STANDING COMMITTEES.

Mr. DOTY: I submit the following report:

The standing committee on Rules, to which was referred Resolution No. 28—Mr. Okey, having had the same under consideration, reports it back and recommends its adoption.

Mr. DOTY: Mr. President: I apprehend that this resolution will provoke quite a bit of debate, and I therefore move that further consideration of the resolution be postponed until 1:30 p. m., and be made a special order.

The motion was carried.

REPORTS OF SELECT COMMITTEES.

Mr. READ: I submit the following report:

Report of select committee appointed to ascertain the mileage of the members of the Convention.

The committee reports the number of miles which each member has to travel from his home to Columbus as follows:

Anderson	142½
Antrim	122
Baum	65
Beatty, of Morrow.....	40
Beatty, of Wood.....	111
Beyer	78
Bowdle	115
Brattain	190
Brown, of Highland.....	98
Brown, of Lucas.....	122½
Brown, of Pike.....	80
Campbell	157½
Cassidy	55
Cody	28
Collett	69
Colton	179
Cordes	115
Crites	30
Crosser	143
Cunningham	133
Davio	138
DeFrees	76
Donahey	110
Doty	138
Dunlap	75
Dunn	145
Dwyer	70
Earnhart	94
Eby	140
Elson	77½
Evans	100
Fackler	138
Farnsworth	138½
Farrell	138
Fess	54
FitzSimons	138
Fluke	95
Fox	100
Hahn	138
Halenkamp	115
Halfhill	90
Harbarger	5½
Harris, of Ashtabula.....	190
Harris, of Hamilton.....	115
Harter, of Huron.....	110
Harter, of Stark.....	122½
Henderson	43
Hoffman	115
Holtz	95
Hoskins	83
Hursh	70
Johnson, of Madison.....	16
Johnson, of Williams.....	171
Jones	33
Kehoe	160
Keller	54
Kerr	150
Kilpatrick	170
King	110
Knight
Kramer	75
Kunkel	59
Lambert	80
Lampson	205
Leete	127½
Leslie	138
Longstreth	57
Ludey	135
Malin	167

Mileage—Additional Employees.

Marriott	24
Marshall	77
Matthews	112
Mauck	110
McClelland	60
Miller, of Crawford.....	63
Miller, of Fairfield.....	32
Miller, of Ottawa.....	160
Moore	67
Norris	45
Nye	120
Okey	100
Partington	85
Peck	115
Peters	14
Pettit	180½
Pierce	104
Price	54
Read	132½
Redington	125
Riley	115
Rockel	48
Roehm	70
Rorick	155
Shaffer	104
Shaw	140
Smith, of Geauga.....	165½
Smith, of Hamilton.....	115
Solether	105
Stalter	65
Stamm	115
Stevens	100
Stewart	113
Stilwell	138
Stokes	70
Taggart	108
Tallman	137
Tannehill	87
Tetlow	168
Thomas	138
Ulmer	122½
Wagner	103
Walker	77
Watson	82
Weybrecht	142
Winn	132½
Wise	127
Woods	131
Worthington	115
President Bigelow	115

Mr. FESS: I submit the following report:

The select committee to which was referred Resolution No. 30—Mr. Doty, having had the same under consideration, reports it back with the following amendments, and recommends its adoption when so amended:

Strike out all of the resolution and substitute the following:

WHEREAS, Owing to the vast amount of work certain committees will have in the many hearings necessary to insure sufficient deliberation upon all subjects properly coming before them, we beg leave to submit the following recommendations: Therefore,

Resolved, 1. That George Cartwright be transferred from the stenographic force to act as clerk for the standing committees on Taxation, Good Roads, Municipal Government and Labor.

2. We recommend that Miss Katharine Kellar be employed for the conjoint use of the standing committees—Corporations other than Municipal, Initiative and Referendum, Legislative and Executive Departments and Short Ballot.

3. We further recommend that Miss Mary Turner be employed for the conjoint use of the standing committees on Judiciary and Bill of Rights, and Public Works.

4. The president is authorized to appoint a stenographer in the place of Mr. Cartwright if it shall appear necessary.

It is understood when the before-mentioned clerks are not employed by the committees specified they are at the service of the Convention for the assistance of the secretary, other committees, or members of the Convention.

Mr. Elson moved to amend the report as follows:

Strike out the report and insert the following:

1st. That it is the sense of this Convention that no additional help should be employed at this time.

2nd. That any committee desiring the services of a stenographer shall apply to the secretary, who shall delegate some one for the service.

3rd. That the secretary shall at any time he feels the need of additional help make application to the committee on Employees.

Mr. FESS: As chairman of that committee to which this matter was referred, we called in various people who had had a good deal of legislative experience and listened to their report as to the probable amount of work that these various committees would have, and after considering it fully it was thought that it would be better for us to recommend these additional clerks for the use of the various committees, for fear no member would assume the extra work that would be required as a secretary or clerk of the committee. We recognized that it would cost an enormous amount of money, it is true, somewhere perhaps between four and five thousand dollars, but it was not a question so much of the cost, as it was the efficiency of the work of the committees, and not a member of that committee was in favor of entailing any extra expense unnecessarily, but it seems to me in this particular place it might be necessary, and the committee unanimously recommended that these additional clerks be supplied.

Mr. LAMPSON: I would ask the gentleman from Greene if these are additional clerks, or simply transferred from some other department?

Mr. FESS: They are additional. The persons named in there are not on the force now, with the exception of Mr. Cartwright, and his vacancy is provided for by the authority given to the president to appoint. There are three additional clerks.

Mr. LAMPSON: There may be, but not necessarily.

Mr. KNIGHT: Do I understand that this committee selected persons without consulting the committee on Employees, and recommended their appointment to specific positions here?

Mr. FESS: I answer the question most emphatically, "yes."

Mr. ELSON: I beg to say just a word on this subject. It seems to me we ought to slacken our pace in the matter of expenses. For my part I do not think that at this time we are in need of additional aid. We have gone at rather a rapid pace thus far in the matter of ex-

Additional Employes—Chaplain.

pending the state's money. We must call a halt. I believe there are very few in this body who are looking for political preferment, and therefore our motives would be of the best sort—not because we wish to escape censure from the general public, but because we are here doing the business we came here to do, from the standpoint of our own conscience, for the people, and we must do the best we can. If this will entail an expenditure of four or five thousand dollars more, I think we ought to try it without. For my part I hope the amendment will at least be fully debated before voted upon.

Mr. PECK: This substitute simply negatives all in the original resolution—substantially so. It is equivalent to voting no on the original resolution. The members should understand that in considering it the committee to whom this matter of employes was referred consulted with the chairman of a number of the committees, consulted with so many members—I could not tell you how many—and inquired what they thought, and came to the conclusion that we could not do any less than this. The work that is being thrown on some of those committees is tremendous. As a member of an established committee I know that a multitude of proposals has been referred there. We had a meeting yesterday afternoon, lasting some three hours, in which we did valuable work and disposed of some of the proposals of the brethren which have been accumulating upon us—that is, as far as the committee is concerned we disposed of them—and we felt the need of a secretary or clerk. A stenographer can just as well act as clerk or secretary, and probably be secured for less money than a regular clerk or secretary. For that reason these ladies, whom we were assured were experienced persons, were selected. I am told the same thing is true of the Taxation committee and the other four committees named which are to have a clerk or stenographer. They need them. It is too much to ask any member of a committee to undertake the care and custody of all those papers and keep the records of the committees, the sending of notices, etc.

You have made these committees very large, twenty-one members. It is almost a legislative body in itself, each one of them, and the way these proposals are being referred to them, they are becoming encumbered with a large amount of business.

I have been a strict economist from the beginning and propose to remain such. I came here preaching the doctrine that this body should set an example of simplicity in its work. We do not want too elaborate an organization, nor do we want too many employes, but there are certain things we must have. I am told that not one of those now employed can be spared to us. There is no other way than to employ them, and the amount proposed to be expended is comparatively very small. I hope the substitute will not prevail.

The substitute was lost.

The question being "Shall the resolution be adopted?" The yeas and nays were taken, and resulted—yeas 76, nays 38, as follows:

Those who voted in the affirmative are:

Antrim,	Brattain,	Cody,
Baum,	Brown, Highland,	Collett,
Beatty, Morrow,	Brown, Lucas,	Cordes,
Beyer,	Brown, Pike,	Crites,
Bowdle,	Cassidy,	Crosser,

Cunningham,	Kerr,	Pierce,
Davio,	King,	Price,
Donahay,	Kunkel,	Read,
Doty,	Lambert,	Redington,
Dunlap,	Lampson,	Roehm,
Dwyer,	Leete,	Rorick,
Fackler,	Leslie,	Shaffer,
Farrell,	Longstreth,	Shaw,
Fess,	Malin,	Smith, Geauga,
FitzSimons,	Marriott,	Smith, Hamilton,
Fox,	Marshall,	Stalter,
Hahn,	Matthews,	Stamm,
Halenkamp,	Mauck,	Stilwell,
Halfhill,	Miller, Crawford,	Stokes,
Harbarger,	Miller, Fairfield,	Thomas,
Harris, Hamilton,	Norris,	Ulmer,
Harter, Stark,	Nye,	Watson,
Henderson,	Okey,	Weybrecht,
Hoffman,	Peck,	Worthington,
Holtz,	Peters,	Mr. President.
Kehoe,		

Those who voted in the negative are:

Anderson,	Johnson, Madison,	Rockel,
Beatty, Wood,	Johnson, Williams,	Solether,
Campbell,	Jones,	Stevens,
Colton,	Keller,	Stewart,
DeFrees,	Knight,	Taggart,
Dunn,	Kramer,	Tallman,
Farnhart,	Ludey,	Tannehill,
Eby,	McClelland,	Tetlow,
Elson,	Miller, Ottawa,	Wagner,
Evans,	Moore,	Walker,
Fluke,	Partington,	Winn,
Harris, Ashtabula,	Pettit,	Wise.
Hursh,	Riley,	

So the resolution was adopted.

RESOLUTIONS LAID OVER.

Mr. LAMPSON: Mr. President, I call up Resolution No. 31.

The PRESIDENT: The secretary will take the resolutions in their order.

Resolution No. 31—Mr. Lampson, was read as follows:

Resolved, That the Rev. Washington Gladden, of Franklin county, be and hereby is elected chaplain of this Convention.

Mr. LAMPSON: The other day when this subject of electing a chaplain came up, I moved to refer the matter to the committee on Rules, because it was proposed to make this office an elective office, and the committee on Rules would properly have charge of that, the committee on Employes having charge simply of employes. The matter came up in the committee on Rules, and I was directed by that committee to report this resolution, providing for the election of Reverend Washington Gladden. The motive of the committee was simply this: Mr. Gladden had not been consulted at all. He did not know that his name was being considered at all, but the committee felt that the Convention would honor itself by electing a man like Mr. Gladden, of nation-wide reputation and the highest standing in the ministry, and that was our motive. This resolution says nothing about compensation. We expected, if it were adopted, to notify Mr. Gladden of the action of the Convention. It would be complimentary to the Convention, and we trust would be complimentary to Mr. Gladden, but he would be left entirely free to accept or decline. He is not involved in

Chaplain—Publication of Debates.

it personally in any manner. If he knows about it, he knows because he has read it in the newspapers.

The committee and myself do not desire to subject a gentleman of Mr. Gladden's reputation and standing to any sort of division. We do not desire to vote upon the resolution if there is to be any opposition whatever to it. We feel there is, from what has been said, and therefore desire to withdraw the resolution.

Mr. PECK: I want to ask a question. Is it really the intention to pay a chaplain?

Mr. LAMPSON: That was not considered. We apprehended that matter would be considered later. We thought that matter would not enter into it with a man of Mr. Gladden's reputation, and if the Convention saw fit to voluntarily make some compensation all right. We thought Mr. Gladden was too large a man for the question of compensation to enter into it at all. But if there is any objection whatever to the considering of this resolution, after hearing this explanation, I desire to withdraw it.

Mr. PECK: I regret to have to oppose this resolution, but I think it will involve an expense and probably considerable expense before you are through with it.

Mr. LAMPSON: The resolution is withdrawn.

Resolution No. 32 — Mr. Eby, was read as follows:

Resolved, That the secretary of the Convention be instructed to procure from proper state officials the following information: The total enrollment of pupils in the public schools in each county of the state.

The present tax duplicate of every county of the state.

The total amount of funds derived by the state from the several sources of indirect taxation.

Mr. EBY: I withdraw the resolution.

Mr. LAMPSON: I move to amend Resolution No. 33 — Mr. Evans, to read as follows: Strike out all after the word "resolved," and insert the following:

That the president of the Convention be requested to arrange with the state board of library commissioners to keep the state library open until 5 p. m., and from 7 p. m. until 9 p. m. each day while the Convention is in session, a courtesy which is extended to the general assembly.

The substitute was agreed to.

The PRESIDENT: The president would like to state that he has received information from Mr. Fullington, auditor of state, that he places his office at the disposal of any member of the Convention, and I think that will be the attitude of all the heads of departments.

Mr. DOTY: I move that the resolution be amended so as to include the law library.

A DELEGATE: Has the board of trustees charge of the law library and the state library?

Mr. LAMPSON: This resolution was handed me, and I understood it to be the same thing adopted with reference to the general assembly.

Mr. EVANS: I will state my reasons for consenting to the substitute, and the reason is this: To have the

law library open will involve an expense of \$2.50 a week, and to pass the other resolution involves no additional expense whatever, and that is the reason I desired to leave the matter of the law library, and have the matter of the other library considered now.

The resolution was adopted.

Resolution No. 34 — Mr. Matthews, was read as follows:

Resolved, That it is important for the members of this Convention to do their work quickly and make only such changes in the present constitution as may be necessary to meet existing conditions. In order that the work of the Convention may meet the approval of the voters of Ohio,

Be it further resolved, That this Convention adopt the following amendments to the present constitution, and submit them to the people of the state at the earliest possible date:

First. An amendment recognizing the principle of the initiative and referendum, so safeguarded as to meet with the approval of the electors of the state.

Second. An amendment permitting women to vote.

Third. An amendment permitting the state to issue bonds to assist in building good roads.

Fourth. An amendment looking towards home rule, or the commission form of government for cities, towns or villages.

Fifth. An amendment recognizing the principles of the short ballot.

Sixth. An amendment relative to the traffic in intoxicating liquor.

Seventh. An amendment changing the present methods of taxation.

Mr. DOTY: I move that this resolution be referred to the committee on Rules.

The motion was carried.

Resolution No. 35 — Mr. Knight, was read as follows:

Resolved, That the debates of this Convention be reported verbatim and printed and published daily in pamphlet form; that the select committee composed of Messrs. Knight, Hoskins and Doty be authorized to enter into a contract for the stenographic report of said debates in the very best manner possible, so that said debates may be printed and published daily and on the most advantageous terms; and

Resolved, That the committee on Printing and Publication of the proceedings be authorized to enter into a contract for the daily publication of said debates, so that they be delivered to the members, and so that at least twenty copies of each day's debates shall be available for each member, and accredited newspaper reporter, and also for 2,500 copies of the complete debates of the Convention bound in durable form.

Mr. DOTY: I move that we recess until 1:30 p. m. The motion was carried.

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AFTERNOON SESSION.

The Convention met pursuant to recess at 1:30 p. m., and was called to order by the president.

Mr. DOTY: I desire to call attention to the special order for 1:30 p. m., being consideration of Resolution No. 28.

Mr. KNIGHT: Pending Resolution No. 35 covers the subject of the reporting and publication of the debates of this body. I beg the indulgence of the Convention for a few minutes to state as briefly as possible the reasons which have led the committee to formulate the report preceding the introduction of the resolution now under discussion, and which is printed in full in the record of yesterday. There are three points which should receive consideration in connection with the work of this Convention. These three points are: First, whether it is desirable and whether it would be useful now and hereafter that the debates of the Convention be reported verbatim and published in full. The second question, which I shall touch upon a little later, is the method which might be used in accomplishing that. And third, last but by no means the least important one, is the question of the cost involved in the measure.

Now, as to the desirability and utility of the publication of the debates in full. As it seems to your committee, there are four different, and each of them important, reasons why the debates should be reported and published. In the first place, for the use and to encourage the use by the members of this body during our deliberations, and for the use of the official accredited reporters of the newspapers of the state. Much that is said here in debate is perhaps not worth reporting, but much that will be said will have very important bearing upon the final work of this Convention. It is apprehended, and has been expressed in all constitutional conventions, that the debates upon the floor of the body bear a very different relation to the final action of the body than the debates in the ordinary legislative assembly. The reasons why the measures should go into or should be kept out of the constitution are very different and more vital to the people of the state than the reasons why some particular minor or even major statute of legislative enactment should or should not be adopted. The resolution proposed a daily publication, to be laid upon the desk of the members each morning just as the journal is and has been done to the present time. It may be of interest to the members of this Convention to know something which came to the knowledge of the speaker last evening. A member of the constitutional convention of Michigan of 1907-8 happened to be in the city while our body was in session. In conversation of an hour or so with him he said that that convention was recorded in full, as the first convention that met in this country in years for the purpose of amending the constitution. In that convention every word uttered in debate was taken down, and within an hour of the time it was spoken on the floor the proof sheets thereof were furnished to the members of the convention for necessary corrections, and the following morning, without fail, the complete debate was on the desk for the use of the members.

The second reason why the publication of the debates seems desirable is the matter of publicity. If there is one thing in which the members of this Convention

all agree it is the publicity of our proceedings—publicity and education. The people of this state have a right to know, are entitled to know and want to know, not simply what is in the constitution, but why it is there. Not simply what we may put in but why we put it there. There is no better way for them to find that out than to know the reasons which controlled us in putting something into or shoving something out of the constitution.

The third reason, and one that I think would appeal to my legal brethren and should appeal to all of us, is, that the deliberations of a body like this framing organic law, have been in the past, and I know no reason why they should not be in the future, of the highest value to our courts in undertaking to interpret the meaning of the constitution itself. The most valuable decisions of the highest judicial tribunals in this country are those which have undertaken, where it was possible, to go into the reasons why, the motives for and the intent of the constitutional convention that framed the document which was in question. Therefore, from a legal standpoint, while we may not ourselves know why we adopt or refuse to adopt something here in the next three months, it is pretty certain the courts will undertake to discover why by undertaking to discover the reasons which we alleged for the particular form in which the constitution or amendment to it emerged from this body. I apprehend that even with the carefully selected committee on Phraseology of which I have the honor to be a member, there is imminent danger that the English in which the result of our deliberations shall be clothed may be open to doubt in the minds of the courts and in the minds of ordinary people, and it is highly desirable that the courts at least should have the means of knowing what we thought we meant—what we intended to do in the various clauses of the constitution which may come from this body.

Lastly, on this point, the deliberations of a constitutional convention like this, the first one met in this state in forty years, the best state in the Union, the deliberations of a body like this are historical and have a value as a part of the history not only of this state but of the country. The development of the constitution shows that the deliberations in the convention which framed the national constitution, the convention which framed our second constitution of this state, which framed the constitutions of various other states, have had the highest value and will continue to have it.

These four reasons then are the reasons why the committee are unanimous in believing that the debates should be published.

Second, as to the method. With all deference to the capabilities of all the employes of this Convention, it is utterly impractical that this Convention should elect, either by a committee or directly, a group of stenographers to report these proceedings. The method by which we elected these employes gives no assurance whatever that these debates will really be a complete and accurate account. I say this with all deference to the employes—to the stenographers whom we have employed. In other words, it is strictly a professional business. Therefore it is the only method by which the thing can be accomplished in a manner worth doing at all. Through a contract made with a responsible pro-

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fessional reporting firm or individual, with one individual or with a firm—a business contract—to do certain things under terms and specifications of the contract, the Convention itself is relieved from the responsibility of selecting those who are to take our notes from time to time. By this method the results are good, and that is what we desire.

Your committee has undertaken some investigations in the matter, and it finds by way of information that the cost of reporting as distinct from the cost of printing and publishing the debates, will depend in the first place upon whether it is desirable that these reports should be furnished daily for us on our desks as well as in final form, will be safely covered by about twelve thousand dollars as an outside figure. This for the Convention of 1873—God help us if we sit as long as they did—cost in the neighborhood of between thirteen and fourteen thousand dollars. I think we are all anxious to get through in half the time and do half the talking they did. The cost of printing, of course, depends somewhat on the size of the edition that shall be ordered, but upon that point, from such information as we believe to be a basis for this information, the cost will vary, depending upon the conditions, from eight to ten thousand dollars, making a total cost of approximately twenty thousand dollars. I appreciate the fact that economy is the word in this Convention; I appreciate, however, one other thing—that the people of this state are more concerned in what we do here and why we do it and the results we obtain than the way we do these things.

This question, I submit, gentlemen, is not a question for the purpose of making our own work harder or easier, but for the benefit of the people of the state, now and hereafter, and I believe it to be an expenditure fully justified in the minds of the people of the state.

As to the reasons why the resolution takes the particular form it does in selecting the present selected committee to undertake the contract—that is, so far as I am concerned—is because the committee in its investigations believed that it might be more convenient for the committee to simply make a contract for the reporting, whereas the standing committee on printing and publication will be entrusted with the duty of making any contract for the printing.

Mr. WORTHINGTON: The member from Franklin county—I am a member of the legal profession of which the member from Franklin has spoken, and I do not agree with him that the courts will pay very much attention to the reports of the debates of this Convention. I am speaking with knowledge of what is done in Ohio with reference to the debates of 1851. While they would look at them under stress of persuasion, yet they have never considered them as binding. We have a most striking illustration in the matter of taxation. When the constitution was formed the delegates considered that the one rule of taxation was that settled in the constitution. There was an earlier decision to the same effect. Some ten years afterwards the court said that the power of taxation was a part of the legislative power; that the other clauses found in the constitution upon that subject were matters that were restrictions upon the police power and not granted. It was a total revolution from the idea. The reason which the court assigned for departing from the idea was that the con-

stitution, when it was adopted, was adopted by the people of this state and not by convention—that the people read that constitution for themselves and determined for themselves what that constitution meant. Now it may be that when this instrument we have put forth here has finally passed the scrutiny of the committee on Arrangement and Phraseology, and the Convention itself, it will still be so indistinct that it will need interpretation by the debates, but I trust that will not be so. It seems to me it would be a discredit to the Convention itself as well as every member thereof to have such a state of affairs. As to the publicity part of the matter I doubt very much whether any persons in this state would read the debates of the Convention when they reach them on circulation, and I doubt very much whether any member of this Convention would read them afterwards except for some particular purpose—for the purpose of seeing whether he was correctly reported or whether his adversary was correctly reported, or changed his line of attack or defense in some subsequent speech. So far as getting people to see what we are doing here, it seems to me we can trust to the daily press for that, aside from the question as to whether the daily press is represented here by shorthand reporters or simply by men who watch what is going on. They manage usually to get the drift of the proceedings and report it. As to the arguments which Mr. Knight has alleged in support of it, I trust this estimate of the expense will be within the limits, but I have my doubts about that proposition. We all know that the expenses of almost every article have increased very much since the Convention of 1873-4.

Mr. KNIGHT: This report was not based upon the expenses of the convention of 1873 and '74. The figures were simply based upon the investigation made by the committee and were given by a present expert.

Mr. WORTHINGTON: I assumed that fact, Mr. President. I knew that a capable committee would not take the price of forty years ago, but I was thinking of the volume of debate that issued from that convention, but yet while hoping that we will not have such an amount to present to our constituents as a proof of our labors, yet I cannot but believe—that is, I am lead to believe by my own experience in court procedure—I cannot but believe that the presence of shorthand reporters will be apt to lengthen the debates.

Mr. DOTY: I am trying to agree with my friend from Hamilton about the effect of these debates upon the court. I never did take much stock in that reason for publishing our debates. At first I thought it was unwise, but upon that whole subject I came to change my mind for the reason that this is the only constitutional convention in session in the United States. It is the first constitutional convention that has ever met east of the Mississippi river at a time when these important questions are before the people. No matter which side any of us may take of the particular questions that are agitating us and our constituents, we must all recognize the gravity of the situation and the questions themselves. Never before have we had a convention called together to consider these questions east of the Mississippi river. This is an historical convention for that reason. This Convention is being watched by the students of the country, by the statesmen of the country, by the

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editors of the country. You have only to pick up any newspaper, and you will find extracts from the leading journals of the country upon various phases of work on this floor, and the consideration that we are apt to give to that question and the other questions. And I do think that 5,000,000 of people can afford to spend twenty or twenty-five thousand dollars, not only to educate those who may come after us, but to educate people in what is being attempted to be done for them; also to educate other people, because our duty does not just lie in our county or state. Our duties are wider; there are certain things which pertain to the welfare of the people of the United States. We therefore owe it that whatever wisdom we may have—whether we express it in debate or final action—we owe a contribution to the education of the people in the matter of government. Just stop and figure out what twenty-five or twenty or even fifty thousand dollars is to five million people.

I think that is a strong reason causing me to change my mind about the convention debates being published. Now, as to the question of cost. The member from Franklin [Mr. KNIGHT] happened to meet in this room last night, a member of the Michigan convention, Mr. George E. Rowe, of Grand Rapids, Michigan. He was a member of the Michigan convention of four years ago, a very recent convention. They reported their debates. They were in session seventy-two days and the reporting cost fourteen thousand dollars, and so far as this member, Mr. Rowe, was able to tell us it met with the approbation of the people of Michigan for various reasons.

I think the question of cost is one to be dismissed as not being worthy of very much consideration, provided it is in reason. When I tell you that the same work four years ago of the convention lasting seventy-two days cost fourteen thousand dollars, I think the estimate given by the committee is quite within the probabilities of the cost here. I have great hopes that this will not last over sixty days and will not cost more than six or seven thousand dollars.

Mr. HALFHILL: I am in favor of the adoption of this report, and to mention the least of the reasons—first, it is a matter of my personal approval. The great responsibility of the position he occupies should enable a man not only to record his vote from day to day, but to be able to set down in the Convention on any line or form of procedure as well his arguments in favor of any particular form or line of procedure. I think this is due to every member of this Convention. Feeling the responsibility of his position, as I take it every man does feel that responsibility, I think that is the least of the reasons. Now, it is a well recognized fact, as has been alluded to, that we are here on the very threshold of undertaking to adopt certain departures in the theory of government which demand very great consideration. We are here right upon the threshold, meeting the question whether or not we shall have direct government or whether or not we are in favor of a representative system that has been handed down. Now then, some here in this Convention have one view, some have another view; possibly on the other extreme others occupy middle ground. It is important to those in our own community—those whom we are sent to represent—I take it, as of a great deal of importance that we are able

to give some record of the arguments that led us to accept one or the other of these views. I have no doubt that there are men in this Convention who fail to recognize the existing order of things. We are here at perfect liberty to proceed to reconstruct our constitution. Now then, gentlemen, for my part I want to be able to state my objections in a form where there will be some record. I believe that even a very careful man when he undertakes the work of recording himself is more careful, and I believe a record of these proceedings here will tend to the dignity of debate and parliamentary procedure. I think the record of these proceedings here will make each member more careful of the position he takes and that he will weigh his words in either supporting his position or attacking that of his adversary. It will tend to even shorten proceedings here. I hope that the report of the committee, which has been prepared with great care, will meet with your approval.

Mr. ELSON: I shall take a moment of the time of the Convention. I wish to say I am very heartily in favor of the resolution. It is unnecessary to go over the argument already presented, but so far as the question is concerned I am very much in favor, as I said, of this Convention keeping our expenses down as much as possible. This is something very legitimate. If we refuse to adopt this resolution it seems to me that we are minimizing our own importance. This is the first constitutional convention that has met in forty years, the first in sixty years to have its work adopted. We might say as Napoleon said in Egypt, referring to the Pyramids, "Forty centuries look down upon you." We may say forty years look down upon us, forty from each side. So when we consider the importance of this Convention, it seems to me by all means the debates should be recorded for future reference.

Mr. LAMPSON: After I was elected delegate to this Convention, almost the first thing I did was to find the volumes of the journal and debates of the constitutional convention of 1851, and also those of 1873-4. I found them of value to myself. Now, it seldom happens that men who are active participants in any history-making epoch fully value the importance of their work at the time, but years afterward students of history come to put a more correct measure upon their work. I do not know that the work of this Convention will meet with such an estimate in the distant future, but I trust that it may. I trust that we may be making important history for our great state and the great republic in the work that we do here, and if we do make important history there ought to be a record of it, a truthful record of it. It is not simply a matter of interest to individual members of this Convention to be able to demonstrate that they have been correctly quoted or incorrectly reported, but it is an important matter that the work of this Convention, taken as a whole, shall be correct history. So far as I am concerned the matter of expense, if it be kept within reason, does not weigh at all. I am in favor of the resolution.

Mr. BOWDLE: Mr. President: It is a rare thing for one to listen to a speech about which he can say that he agrees with every word. I most positively agree with every word uttered by my distinguished colleague from Hamilton [Mr. WORTHINGTON]. I am opposed to the printing of the debates of this Convention. Mr.

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Huxley regrets the fact that as a young man, he was greatly distressed over the multiplication of useless books, and he resolved for himself that through life he would neither speak nor print unless he was supremely conscious of a message to be uttered. I should like to adopt that resolution. I have tried to change my mind. I can not believe that there would be any essential message in the debates of the members—any essential message to the people of this commonwealth. If a contract has been entered into between A. and B., the law takes no account of the debate or the correspondence that may have preceded the entering into of the contract. The contract itself states the message and I believe that the message this Convention has for the people of this commonwealth will be contained in the work of this Convention in the constitution itself. The means that we take to reach our conclusions will cut not the slightest figure with the people of this state, and the probabilities that a large number of them will sit up and burn Standard oil for the purpose of reading these debates are very slight. They are not for a moment interested in what we do or say in reaching the conclusions which we expect ultimately to reach. It is a time when people are interested in telegrams, lettergrams, cablegrams and aerograms. They are not interested in books of debates on any living or dead subjects. If the constitution itself, that we expect to make, contains any element of mystery we will hear from the people of the state. It is just possible that seventy-five or a hundred years hence, when our successors will come together to revise our work, with a possible forty years looking down at them, I say it is just possible that somebody will want to know what we had to say. Possibly some old statute found in some old library with a lot of old works will be examined by some one from Ashtabula, for instance.

Mr. LAMPSON: I desire to inform the gentleman that these are not for the people of one county, but for the people of the whole state.

Mr. BOWDLE: Really, I have no doubt at all of that, but I can't believe for a minute that it will be live literature. I am interested in the standing timber of the state of Ohio. I never pass a tree without feeling ashamed to reflect that at any moment that tree may be cut down so that some articles of literature may be printed. And we are requested here to mow down a quarter section of good timber for the purpose of saying what we have to say as a necessary preliminary to the real work, the only work in which the people are interested. And I cannot bear to think that every word I am uttering may be drawing on the standing timber of the good old state of Ohio. I am therefore, Mr. President, opposed to this thing. If there is anybody in this state who is interested in the subjects that we are going to discuss, the literature on these subjects is already made; it is out on the book stalls. If anybody is interested in the initiative and referendum, if anybody is interested in the subject of temperance, there is enormous literature on that subject in which every sort of possible or impossible argument is already found. I cannot believe that the great speeches we make in debate here are going to add anything so vastly important to the language that we should preserve them for the forty centuries, more or less, which look down on us.

Mr. ANDERSON: Before the gentleman from Ham-

ilton began his speech I was opposed to the measure, but since I want to remain for forty centuries I am going to support the resolution.

I find in my own county there is a great deal more interest displayed in the actions and doings of this Convention than I expected. They have formed a constitution club, meeting every Saturday night, and have asked me to send them the journals and debates, everything that I can. I shall take a great deal of pleasure in sending this gentleman's speech to them at the end of the week. Another thing on which I must take issue with the gentleman from Hamilton: The arguments that are made here may be of use when the constitutionality of that particular law is questioned in the courts of the land. In other words, it is not the thing that courts look at first to determine the meaning of an act when questioned as to its constitutionality. It is strictly with these arguments that they are concerned. As a matter of fact, the reports of 1851 have been used daily to refer to in the organization of this Convention. I think I shall vote in favor of the resolution, Mr. President.

Mr. BROWN, of Lucas: Mr. President: I desire simply to suggest that if there is any member of this body who fears that his encouragement will cause too great a strain upon the timber of the state, there is a very obvious way in which such a woodman may spare the tree. I shall support the resolution.

Mr. HARRIS, of Ashtabula: Following the report given by the chairman of the committee and succeeded by the argument made by the member from Cuyahoga, [Mr. DOTY], it seems to me that there was every reason why we should accept the report of this committee, and the arguments that followed from the gentleman who has spoken for the proposition seem to indicate that we were ready almost unanimously to adopt this report, but I am about ready to say I think we are not tending that way yet. The pleasantry of our friend from Hamilton is very well; I agree with him entirely. Perhaps it will not make interesting reading centuries from now, but it was entertaining to the body while it lasted. The end of all things comes. Now, the fact is simply this, that as we look over society and consider it from every standpoint, political, social, religious, etc., there are some figures that loom up—they cannot escape our notice. The rest are simply fill-ins. There can be no doubt that the people of Ohio are entitled to know what is said on such propositions as the initiative and referendum and the recall, which the member from Cuyahoga has well said have not been considered in any constitutional convention east of the Rocky Mountains. The report of the Convention should be full and complete.

Mr. EVANS: I must confess that I am somewhat at a loss to know how to vote in this matter. I must confess that I was more than pleased with the remarks of my young friend from Hamilton. I had the honor of listening to the debates of the convention of Oklahoma for a number of days. I happened to be visiting in that young state and attended the convention, and I heard the questions we have not yet reached. That will be the test of it. If I thought that the discussion here would be anything like I had to listen to there I should vote against its support. I did not have the honor to attend the Michigan convention, but I know that that convention sat seventy-two days; that it met on the

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27th day of October, and adjourned on the 10th of the following March. I have not seen the debates of that convention. If I could look into the future and could see that the work of this Convention would be approved by the people of the state of Ohio, I think I would be inclined to vote for this proposition; but so far as I can look into the future I am much in fear as to whether or not our work will be approved. I am sure if I thought that this Convention would talk as much as the convention of 1873 I would vote no. I don't want to see any such volume of matter as was produced by that convention. We don't know yet—we are in ignorance of each other. I should like to hear more of this matter before it is closed.

Mr. JONES: I heartily favor the adoption of this report for the reasons that have been so well stated already and which can gain no force by repetition. I want to suggest that there are two or three matters in regard to it that I at least would like some information upon before I would feel that I was in a position to vote intelligently with regard to it—that these debates should be published. I feel, so far as I am concerned, no difficulty in making up my mind that this should be done, but the report of this committee provides for the making of a contract with reference to the reporting of these debates and a separate contract in reference to their printing. Now, it is not quite clear to my mind whether that matter is to be delegated to the committee or whether that is a matter that will be determined by the Convention. If this reporting is to be done, it ought to be done under such arrangements as would insure that it will be done at the least possible cost. The thought occurs to me that this could be secured only by competitive bidding, both upon the reporting and the printing of the debates. There appears to be no provision in this report for any thing of that kind, and the nature of the report would indicate that the whole matter is to be left to the committee simply to make a contract with some one. Now, if this matter could be done in the way I have suggested it occurs to me there could be no possible objection to it, no possible complaint from any one with reference to its being done in the way I have said, if we secure it at a reasonable price, always keeping in view efficiency. Nobody can justly make any complaint, it seems to me, to this work being done.

Mr. BROWN, of Highland: It seems that the committee have reported the maximum cost for reporting to be twelve thousand and the printing ten thousand. Now, I would like to know, in connection with the gentleman from Fayette county, how the committee came to such a conclusion with any firm—how many days, how much reporting and how much printing or anything about it. Suppose we are in session for months; is it likely that the committee will make a contract that will run into larger expenses, or will they make a contract to limit the expense to less than that proposed? I only make these remarks hoping to come to some understanding what the limit of this expense will be.

Mr. JONES: I am obliged to the gentleman from Highland [Mr. BROWN]. I was just coming to that. That is a matter which may influence the action of a good many members. If the contract is made as suggested, there will be no limit to it. We can't tell where it will end. It occurs to me that if this report could be ac-

cepted simply upon the proposition of reporting these debates and printing them, leaving the other matters for future determination by the Convention, there ought to be no objection. If the report upon the matter of letting the contract be left in such indefinite form, I am inclined to vote against it.

Mr. FESS: Gentlemen of the Convention: I did not intend saying anything whatever upon this proposition, although I think it is one of the most important propositions we have had to settle. I suppose that because I am a school man it would seem that I would be prejudiced in favor of the publishing of these reports, but that is not true. It is not because I am identified very largely with the investigation of books—it is not that—but it is because of the suggestion by Mr. Doty and others, that at this time we are discussing some of the liveliest questions of the day, and they will be discussed with every phase, for and against; and more fully discussed than in any other body that is not similar to this body, for men do not get up here simply to talk to hear themselves talk. They get up because they want to do the very best they know how for the people they are representing, and it would be a pity for this Convention to lose the four months or six months or longer time before the Convention closes, and close the record so that there would be nothing to be said later on about what was done here because there was no record of what we have done. In 1824, in the city of Columbus, the first Democratic convention that was held in the country was held, and indorsed Andrew Jackson for president. When I was a student in the University of Chicago I attempted an investigation to see whether there was any record of that first meeting with reference to this one great leader, that came to be a great leader afterward, and found one lone copy of that book, and you would be surprised to know what that book was offered for in the markets because it was so rare. The same thing about the debates of the federal convention. James Madison, acting simply as an individual of the convention, kept notes of the proceedings of that Convention, and these were afterward published by the authority of congress, and congress paid thirty thousand dollars for the publication of these notes in 1836.

And today there are questions just as live and just as interesting as the questions in the federal convention were live and interesting. And I do not care how many books we are throwing upon the stalls; I do not care for that. If you want any information in any special work you would go to the library that has the largest number, the greatest variety, upon the various subjects that have been of interest to the people. And why is it that nearly every history of the United States is written today in New England? Why, because Boston was the only city that preserved every single document of the government and of the early life in New England. When a student wants to study any phase of a subject, he will go where the records are preserved. And where is that? When you are in the public library at Boston you have access to thirty miles—to two million volumes, in permanent form in print. What has that been worth to the people?

It seems to me that while we ought to fix the outlay and ought not to be extravagant here, if you want to do that don't do it on the question of the record of these debates of the body of men now in session. It

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will be parsimony. I am sorry that when we speak of these things some one will use the argument that we are extravagant. There is nothing in that at all. If you could limit what we say and still maintain the public interest, I would say limit it, but that could not be done at all. For the sake of knowing what are the records of this Convention to be used in the next few years by the students, not in school, but by the students of the times, the discussions should be printed. I do hope that the question of expense will not deter any one from voting for this measure. It would be, in my judgment, the biggest mistake of this Convention.

The question being "Shall Resolution No. 35 be adopted?"

The yeas and nays were taken, and resulted—yeas 77, nays 39, as follows:

Those who voted in the affirmative are:

Anderson,	Holtz,	Partington,
Antrim,	Hoskins,	Peck,
Baum,	Hursh,	Peters,
Beatty, Morrow,	Johnson, Madison,	Pettit,
Beyer,	Jones,	Price,
Brown, Lucas,	Kerr,	Read,
Cassidy,	Kilpatrick,	Redington,
Collett,	King,	Rockel,
Colton,	Knight,	Roehm,
Crosser,	Kramer,	Shaw,
Cunningham,	Lambert,	Smith, Geauga,
Davio,	Lampson,	Stalter,
Doty,	Leete,	Stamm,
Dunlap,	Leslie,	Stevens,
Dwyer,	Longstreth,	Stewart,
Earnhart,	Marriott,	Stilwell,
Eby,	Marshall,	Stokes,
Elson,	Mathews,	Taggart,
Fess,	Mauck,	Tannehill,
FitzSimons,	McClelland,	Tetlow,
Fluke,	Miller, Crawford,	Thomas,
Fox,	Miller, Fairfield,	Wagner,
Hahn,	Miller, Ottawa,	Walker,
Halfhill,	Moore,	Winn,
Harris, Ashtabula,	Norris,	Mr. President.
Henderson,	Nye,	

Those who voted in the negative are:

Beatty, Wood,	Fackler,	Okey,
Bowdle,	Farrell,	Pierce,
Brattain,	Halenkamp,	Riley,
Brown, Highland,	Harbarger,	Rorick,
Brown, Pike,	Harris, Hamilton,	Shaffer,
Campbell,	Harter, Stark,	Smith, Hamilton,
Cody,	Hoffman,	Solether,
Cordes,	Johnson, Williams,	Tallman,
Crites,	Kehoe,	Ulmer,
DeFrees,	Keller,	Watson,
Donahey,	Kunkel,	Weybrecht,
Dunn,	Ludey,	Wise,
Evans,	Malin,	Worthington.

Resolution No. 28 — Mr. Okey, was taken up.

Mr. BROWN, of Lucas: I move that the resolution be laid on the table.

Upon which the yeas and nays were regularly demanded.

The question being "Shall the motion be agreed to?"

The yeas and nays were taken, and resulted—yeas 88, nays 24, as follows:

Those who voted in the affirmative are:

Antrim,	Halfhill,	Peters,
Baum,	Harbarger,	Pettit,
Beatty, Morrow,	Harris, Ashtabula,	Pierce,
Beatty, Wood,	Harris, Hamilton,	Read,
Beyer,	Harter, Stark,	Redington,
Bowdle,	Henderson,	Riley,
Brown, Highland,	Hoffman,	Rockel,
Brown, Lucas,	Holtz,	Rorick,
Brown, Pike,	Hursh,	Shaw,
Campbell,	Johnson, Williams,	Smith, Geauga,
Cody,	Jones,	Smith, Hamilton,
Collett,	Kehoe,	Solether,
Colton,	Kerr,	Stalter,
Cordes,	Kilpatrick,	Stamm,
Crites,	Knight,	Stevens,
Cunningham,	Kramer,	Stewart,
DeFrees,	Kunkel,	Stilwell,
Dunlap,	Lambert,	Stokes,
Dunn,	Lampson,	Taggart,
Dwyer,	Longstreth,	Tallman,
Eby,	Malin,	Tannehill,
Elson,	Marriott,	Tetlow,
Evans,	Marshall,	Thomas,
Fackler,	Miller, Crawford,	Ulmer,
Fess,	Miller, Fairfield,	Walker,
FitzSimons,	Miller, Ottawa,	Weybrecht,
Fluke,	Norris,	Winn,
Fox,	Partington,	Wise,
Hahn,	Peck,	Worthington.
Halenkamp,		

Those who voted in the negative are:

Brattain,	Hoskins,	Moore,
Cassidy,	Johnson, Madison,	Nye,
Crosser,	Keller,	Okey,
Davio,	King,	Price,
Donahey,	Leete,	Roehm,
Doty,	Leslie,	Shaffer,
Earnhart,	Ludey,	Watson,
Farrell,	Mathews,	Mr. President.

The motion was agreed to.

A leave of absence was granted for the remainder of the week to Mr. Holtz and Mr. Peck.

The president appointed Gertrude H. Lake as additional stenographer.

The following communication was handed down by the president:

The president announces that Mr. Cassidy being on more than three committees is relieved, upon his request, of service upon the Taxation committee and that Mr. Hoskins is hereby appointed in his stead.

Mr. BOWDLE: I move that the Convention adjourn.

The motion was carried.