

THIRTY-FIFTH DAY

EVENING SESSION.

MONDAY, March 11, 1912.

The Convention met pursuant to adjournment, was called to order by the president and opened with prayer by the Rev. Alfred E. Isaac, of Columbus, Ohio.

The journal of Wednesday, March 6, was read and approved.

PETITIONS AND MEMORIALS.

Mr. Bigelow presented the remonstrances of the Rev. John G. Quinlan, of Bethel; of the Rev. J. F. McColm, of Bethel; of four hundred members of the Neil Avenue Methodist church, of Columbus; of Wilbur H. Parker and twenty-five other citizens of Moscow, protesting against the passage of the King proposal; which were referred to the committee on Liquor Traffic.

Mr. Knight presented the petitions of Mrs. Louis Basch and forty-three other women citizens of Fremont; of Mrs. Sophia Logan and thirty-seven other citizens of Fremont, protesting against equal suffrage; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Tannehill presented the petition of Dr. Agnes J. Richmond and twenty-seven other citizens of McConnellsville, asking for the submission of a measure providing full suffrage for women; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Knight presented the petitions of Mrs. Anna McDonald and sixteen other citizens of Columbus; of C. A. Entekin and thirteen other citizens; of Arthur Perkins and twenty-seven other citizens; of Alice E. Bower and sixteen other citizens; of Nellie Warren Holloway and thirty-two other citizens; of C. H. Parsons and twenty-five other citizens; of C. E. Pfeifer and five other citizens; of Helen O. Lemert and thirty-five other citizens; of C. B. Johnson and seven other citizens; of Dorsie E. Fischer and eighteen other citizens; of Etta Gray and twenty-two other citizens, all of Columbus, asking for the submission, to the voters of the state, of a measure providing full suffrage for women; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Bigelow presented the petitions of the Seventh-Day Adventist churches of Hamilton; of Locust Point; of Van Wert; of Ravenna; of Liberty Center; of Zanesville; of Derwent; of Killbuck; of Springfield; of Bowling Green, protesting against license or any provision that would encourage the manufacture and sale of liquors; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the memorial of the Hungarian Benevolent Social Union, requesting the delegates to include an article in the constitution, prohibiting the reading of the Bible in the public schools; which was referred to the committee on Education.

Mr. Bigelow presented the petition of J. W. Chrisman and thirty-five other citizens of Columbus, protesting against the manufacture and sale of cigarettes; which was referred to the committee of the Whole.

MOTIONS AND RESOLUTIONS.

Mr. CUNNINGHAM: On the 17th day of February I offered Proposal No. 5, which was referred to the committee on Elective Franchise. I now ask under Rule 82 that it be reported out to this Convention and be put on the calendar for its second reading.

Mr. WINN: I have tried my very best to hear what the member was saying and was unable to obtain more than just the last two or three words. I wish that it might be repeated.

The PRESIDENT: The member from Harrison, under Rule 82, calls up Proposal No. 5, which the secretary will read if desired.

Mr. DOTY: The proposal is not before the Convention. There is no objection to engrossing and putting it on the calendar for its second reading, and that is all that is asked.

Mr. CUNNINGHAM: That is all I ask.

The PRESIDENT: If there is no objection Proposal No. 5 will be engrossed and placed upon the calendar in its regular order.

Mr. FESS: I offer a resolution.

The resolution was read as follows:

Resolved, That the thanks of this Convention are due to the state librarian, J. H. Newman, and the committee for the very carefully compiled digest of the state constitutions, a copy of which he has complimented each member of the Convention with.

Mr. DOTY: The resolution goes over under the rule unless a motion is made to consider it at this time.

Mr. FESS: That is the motion I was about to make—that it be acted upon at once.

Mr. DOTY: I have no objection to that. I serve notice that the resolution is thanking the wrong man, and I move to amend to thank the right man if you care to proceed with it. The state librarian had no more to do with that digest than a thousand other people in this state. All he has done is to keep those digests in the librarian's office for two weeks when each one of us has to trot over there and pick out our book. He is not the man who got up the digest in any way.

Mr. FACKLER: I think in view of the introduction of the resolution it is only proper that the facts in regard to the preparation of that digest should be offered to the Convention. I have never witnessed in my life any incident of dishonesty that could equal the one in this case. The Municipal Association in the city of Cleveland some time ago appointed a committee, consisting of a number of young lawyers in the city of Cleveland, to digest the state constitutions, and they did their work excellently and the state librarian simply printed it. They brought it here to have it printed. Mr. Fesler of the Municipal Association came down and asked the state librarian to print it in order that that careful work of those young lawyers of Cleveland might be before the Convention; and it has been printed and we have not got it yet, although it has been printed two weeks. I

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think the proposition was made to Mr. Fesler that the work could be printed if he could be put out as the author. A few days ago I sent one of the pages over to the state librarian to get my copy and the page came back and said if I would go over there I could get the copy. On the front page the state librarian has written a dedication or a preface in which all the credit is apparently taken by the state librarian, when he didn't do any more than any member of the Convention as far as the intellectual work involved in that compilation is concerned. I move an amendment that the thanks of this Convention be tendered to the committee of the Municipal Association of the city of Cleveland for their careful work in this matter, and I shall reduce that to writing.

The PRESIDENT: The rule has not yet been suspended and the resolution is not before the body.

Mr. FESS: I think I ought to withdraw this resolution. I had no idea that there could be any objection to it. I placed in there a resolution of thanks to the committee because I had read the preface and noticed that the work had been done by a committee, and I put it in without naming the committee because there are so many of them that they could not well be named in a resolution, but I assure the gentleman of the Convention that I feel very intensely upon the question of making an attack upon the state librarian. I deplore it and rather than have anything of that sort I would ask to withdraw the resolution.

The leave to withdraw was given.

Mr. DOTY: I offer a resolution.

The resolution was read as follows:

Resolution No. 82:

WHEREAS, There has been prepared by a committee of the Municipal Association of Cleveland, a digest of the constitutions of the forty-eight states for the use of this Convention, and

WHEREAS, Said digest has been published at state expense by the board of library commissioners, and copies are now in the hands of the state librarian; therefore

Be it resolved, That the secretary be instructed to call upon the state librarian and secure a sufficient number of copies for the use of each delegate in the Convention.

Mr. DOTY: I now move that we suspend the rules and consider this resolution immediately.

The motion was seconded and a vote being taken the rules were suspended. A further vote being taken the resolution was adopted.

Mr. DUNN: I offer a resolution.

The resolution was read as follows:

Resolution No. 83:

Resolved, That this Convention enter into a contract with the Ohio News Bureau Co. to compile into volumes a newspaper record containing all editorial and all important news items appearing in the Ohio papers and in all the leading papers of the United States. This record is to be arranged chronologically with the date of publication and the name of the paper stamped on each item. This record to begin January 1, 1912, and

to terminate within thirty days after the adjournment of this Convention. Under this contract it is understood and agreed that this record shall be bound into volumes by the said, the Ohio News Bureau Co., the binding to be of morocco made to the satisfaction of the secretary of this Convention and that the consideration for this service shall not exceed the sum of fifty dollars per month, and that these volumes shall be filed in the archives of the state of Ohio.

The PRESIDENT: The resolution goes over under rule.

Mr. DAVIO: I move that that be laid on the table.

The PRESIDENT: It has gone over under rule.

Mr. SMITH of Hamilton: If it is in order I would like to move that Proposal No. 281—Mr. Eby, which was referred to the committee on Miscellaneous Subjects, be taken from that committee, that that committee be relieved from further consideration of the proposal, and that the proposal be referred to the committee on Method of Amending the Constitution.

Mr. Eby was not present when the reference was made and he has asked to have it taken from the committee on Miscellaneous Subjects and have it referred to the committee on Method of Amending the Constitution.

The PRESIDENT: The question is on relieving the committee on Miscellaneous Subjects of Proposal No. 281.

The motion was carried.

The PRESIDENT: If there is no objection the proposal will be referred to the committee on Method of Amending the Constitution.

Mr. WATSON: Proposal No. 187 has been referred to the committee of the Whole and I move that it be taken from the committee of the Whole and referred to the committee on Education.

The motion was carried.

Mr. MILLER, of Crawford: I move further that the committee on Agriculture be relieved of the further consideration of Proposal No. 152.

Mr. LAMPSON: What is that about?

Mr. MILLER, of Crawford: It is about dealing in farm products.

The PRESIDENT: The question is on relieving the committee on Agriculture of further consideration of Proposal No. 152.

The motion was carried.

Mr. BROWN, of Highland: I move that that proposal be referred to the committee on Judiciary and Bill of Rights.

The motion was carried.

INTRODUCTION OF PROPOSALS.

The following proposals were introduced and read the first time:

Proposal No. 303—Mr. Halfhill. To submit an amendment to the constitution.—To amend sections 1, 3, 4, 7, 8, 12, and 15, of article IV, so that each county will elect at least one judge of the court of common pleas, which court shall have probate and testamentary jurisdiction in counties containing less than forty thousand people by the last federal census.

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Proposal No. 304—Mr. Halfhill. To submit an amendment to the constitution.—To amend sections 1, 3, 12, and 15, of article IV, so that each county will elect at least one judge of the court of common pleas.

Proposal No. 305—Mr. Hoskins, to submit an amendment to article IV, sections 1 and 9, of the constitution.—Relative to the judicial power of the state.

Proposal No. 306—Mr. Hoskins. To submit an amendment to article XII, section 1, of the constitution.—Relative to levying poll tax.

Proposal No. 307—Mr. Riley. To submit an amendment to article XVII, section 2, of the constitution.—To provide for future constitutional conventions.

Mr. WINN: I desire to call attention to the special order for this hour, the consideration of Resolution No. 62.

The PRESIDENT: The secretary will read Resolution No. 62.

The resolution was thereupon read as follows:

Be it resolved, That it is the policy of this Convention to submit all of the proposals which shall pass to the electors in the form of separate amendments to the present constitution.

Mr. WINN: It will be remembered that this resolution was before us for consideration on two other occasions and finally was made a special order for this hour.

The resolution will be found as reported by the committee on the first page of the journal, of Wednesday, February 22. I will read it again:

Be it resolved, That it is the policy of this Convention to submit all of the proposals which shall pass to the electors in the form of separate amendments to the present constitution.

Perhaps it would have been in better form to have declared it to be the policy of the Convention that no general revision shall be made by the Convention, but that our work shall be confined to amendments submitted separately.

In my judgment we should give this resolution at this time the most careful consideration. I believe we have reached the stage in our proceedings when this is more important than anything else that has yet occupied our attention or that will occupy our attention. I believe I am safe in saying there is a general feeling throughout the state that whatever shall be the result of our deliberations, it will not meet the approval of the electors at the polls. A week ago today, on the train coming from the city of Toledo, I had an extended conversation with a gentleman who is an officer of the government and who comes in contact with more business men everyday than I do in a month. He talks with more people in a single day than I do in a month. He talks with more people in a single day respecting the work of this Convention than any of us in a good many days. He said to me that it seemed to be practically the unanimous opinion of those with whom he had talked that no difference what we do when our work is concluded, the people of Ohio will repudiate it at the polls. I have talked with other persons who have had more or less opportunity to ascertain the sentiment of the electors of the state. Today I discussed this question with a mar.

who was a state officer and who traveled all about the state. I mean he is a state employe and he travels over all parts of the state and comes in contact with hundreds of men. This gentleman told me that he scarcely found a person who did not express it as his opinion that whatever we do will be finally repudiated by the people at the polls.

Now, there is a way in my judgment for us to dispel this prevalent notion that we are not eventually to submit something that will be accepted by the people, and that is to let the electors of the state of Ohio know that it is not our purpose to write a whole new constitution. If you talk to one hundred men on the street on that subject ninety-nine of them will say that we have a good constitution, that we have lived under it ever since 1851, and haven't suffered by it. Ninety-nine men out of one hundred will give expression to that sentiment and yet the notion is abroad that we are here for the purpose of writing a new constitution, that we have, some how or other, become possessed with the idea that the old constitution is not good enough for Ohio, and that we are going to make a new one, something vastly different from the old one, and the notion is prevalent that it is going to take us a good long while to do it. Now there is not a person within the sound of my voice who does not believe that a dozen men selected from this body could have sat down in a room and in thirty days have written all the amendments and revisions of the constitution necessary, and probably could have done it in less than that time. We all know that if we should stay in session until a year from today and were to hold a session a year from tonight and call the roll of counties there would be just as many proposals introduced as are introduced tonight. Indeed, I am not certain but that when sessions of the general assembly approach the time when adjournment should take place, the bills introduced increase in number. We never reach the end so far as that is concerned, but if by an expression of the sentiment of this body we say that it is not the purpose of this Convention to enter upon a general revision of the constitution, that we appreciate the fact that the constitution is a good one, but we see there are places in it which we think are weak and we purpose making some necessary amendments, but will leave the old constitution where it is, and that we will submit to the electors of the state a number of good amendments as we believe, each one standing upon its own merits—now, if we could say that to the people, we can go ahead and prepare something that is necessary and it seems certain in my mind it is hardly possible that there will be as many proposals finally submitted to the people as were submitted to the electors of the state of California last year. I believe those were twenty-three in number, and it is said that the electors of the state, voting upon each one as a separate proposition, exercised the very wisest discretion. Now if we confine ourselves to the necessary amendments of the constitution, submitting them separately so that each one stands upon its own merits, unless it may occur before we get through that there are several under one proper heading that may be submitted together—not as a part of the constitution amended, but simply as an amendment to the constitution—if we can do that and have it understood that within a few weeks—and in my judgment it should be but a few—we have concluded

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our work and we have returned to our homes, what we do here will be approved by the people, but if we keep on here until finally we have made an entirely new constitution and remained in session for a great number of weeks, I submit what we will do will be repudiated by the people when submitted to them. The people will not be ready to accept what we do. There is so much of that feeling prevalent now that we can do nothing for the people of Ohio and nothing for ourselves that will so much advance the work in hand as to adopt a resolution tonight declaring it is not our purpose to enter upon a general amendment of the constitution, but to do nothing more than to submit independent amendments to the constitution, and then adjourn and go home. If we can do that, whatever we do, in my judgment, will be approved. And now it seems to me as though that is the way it ought to be. Whether we are in session a few days or many, it seems to me if on the day when we first came together we had said in explicit terms it was not our purpose to attempt to tear the old constitution to pieces and make a new one but simply to pick out those sections that need improvement and make the necessary improvements and go home, this Convention would stand better in the eyes of the people than it does today.

Mr. ELSON: In case these amendments would be voted for separately, would they be voted for according to the methods prescribed in the old constitution?

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

Mr. ELSON: Would it be voted for at a special election or a regular election?

Mr. WINN: I undertake to say we will determine that ourselves. We will determine whether our work shall be submitted at a special or at a general election.

Mr. ELSON: If at a regular election, you are aware that every blank is counted a negative vote?

Mr. WINN: I am not certain about that. That would apply to amendments from the legislature, but we are not submitting as a legislature submits. Whatever we submit we submit as a constitutional convention, and I think unquestionably that will be governed by the provisions of the constitution respecting such work.

Mr. HALFHILL: How does the fact that we submit these in separate amendments in any way change the article that governs the submission — as to whether submitted by the legislature or by the Convention?

Mr. WINN: If the member from Allen [Mr. HALFHILL] will read the provisions of the constitution to which he refers, and if the member from Allen is not able to interpret it, and I can assist him any I shall be glad to do so.

The PRESIDENT PRO TEM: Does the member yield for the member from Allen to read the part indicated?

Mr. WINN: I shall be glad to.

The PRESIDENT PRO TEM: The member yields.

Mr. HALFHILL: I asked for information. I am not at all clear upon the question of your resolution. It has been up here before, and it is not a question of any legal ability, either on the part of the member from Defiance [Mr. WINN] or from Allen [HIMSELF], but it a question of reading to the Convention for them to understand and construe it.

The PRESIDENT PRO TEM: The member from Defiance will proceed.

Mr. WINN: The question is treated of in three sections of article XVI. Is that the one to which the member from Allen [Mr. HALFHILL] was calling attention to?

Mr. HALFHILL: I was calling attention to your statement and asking for an explanation so that I could understand just what was in your mind by virtue of this resolution. That was all. Assuming, for instance, that there are twelve amendments agreed to here in the Convention to be submitted and that each of them is submitted separately, how about the vote that will be taken? I want you to explain that.

Mr. WINN: I think I understand what the gentleman from Allen [Mr. HALFHILL] is referring to. I think we all understand that when the legislature submits a joint resolution for an amendment to the constitution, it must receive a majority of all the votes cast at the election.

Now section 3 of article XVI, to which I have called attention, reads as follows: "But no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon." That is the difference in the number of votes required. That would apply to each separate proposition submitted, so that if we submit a dozen propositions it would require, of course, that each one should have a majority of all the votes cast thereon, and if we have a dozen worthy propositions it would be almost a certainty that they would all be approved. On the other hand, it is my judgment if we submit the same number of propositions in the constitution as a whole and can call it an amended constitution rather than an amendment to the constitution, and submit the whole thing to the people, they would all be disapproved of, and the good would go down with the bad, if there were any bad.

Mr. HARRIS, of Ashtabula: I would like to inquire of the member from Defiance [Mr. WINN] if he has in mind the preamble to the so-called Green act, providing for the holding of this Constitutional Convention? That sets forth the proposition submitted to the people of Ohio who voted on the question of whether or not a convention should be called. The preamble is set forth in connection with the act.

Mr. WINN: No—

Mr. HARRIS, of Ashtabula: Will you allow me to read it?

Mr. WINN: Yes; I wish you would read it.

Mr. HARRIS, of Ashtabula (reading): "Whereas, at the general election held in this state on the first Tuesday after the first Monday in November in the year one thousand nine hundred and ten, the question 'Shall there be a convention to revise, alter, or amend the constitution?' was submitted to the electors of the state, and a majority of all the electors voting thereat decided in favor of a convention."

Mr. WINN: Now, if I understand the member from Ashtabula [Mr. HARRIS], he wants to know whether or not in my suggestions I have taken into account this provision of the preamble of the law?

Mr. HARRIS, of Ashtabula: The question is, "What

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was the question that the people voted on in regard to the calling of this Constitutional Convention?"

Mr. WINN: I assume that the member from Ashtabula [Mr. HARRIS] is laboring under the impression that if we make amendments to the constitution and they are adopted and become a part of the constitution that it will not be an amended constitution. If so, you are in error.

Mr. HARRIS, of Ashtabula: I do not know that the gentleman means for me to answer that, but my impression would be that that would be an amended constitution, engrafted in and submitted to the people as an amendment, not separately, but in place of the existing article, if it be an entire article, or in place of a section of an article if it be as a section.

Mr. FESS: I would like to ask a question of the gentleman from Ashtabula [Mr. HARRIS].

The PRESIDENT PRO TEM: Does the gentleman from Defiance [Mr. WINN] yield that the gentleman from Greene [Mr. FESS] may ask a question of the gentleman from Ashtabula [Mr. HARRIS]?

Mr. WINN: I am not satisfied as to what the member from Ashtabula is driving at, and if anybody can help me out I shall be glad to have it done.

The PRESIDENT PRO TEM: The member from Defiance yields to the member from Greene to ask the member from Ashtabula a question.

Mr. FESS: The gentleman from Ashtabula asked to read the preamble.

Mr. HARRIS, of Ashtabula: Yes.

Mr. FESS: I will ask you if the preamble of a law is any part of the law?

Mr. HARRIS, of Ashtabula: The preamble presents the question to be submitted to the voters of Ohio exactly, and what the people of Ohio resolve by their action is the thing for this Convention to perform, in my judgment—to alter, amend, or revise.

Mr. FESS: Is there any difference in the preamble and the enacting clause?

Mr. HARRIS, of Ashtabula: No; except that they have provided certain conditions for the Convention to follow and what we are to do was to submit it to the voters in advance.

Mr. FESS: Is the preamble a part of the law?

Mr. HARRIS, of Ashtabula: No; it is not a part of the act, to be sure, but it is above and superior to the act, because it was the act of the people of Ohio themselves.

The PRESIDENT PRO TEM: The member from Defiance will proceed.

Mr. WINN: My attention is called to this provision of the constitution which I read a few minutes ago—the fore part of the same section. I will read it. I think this will clear up the question before us:

"At the general election, to be held in the year one thousand eight hundred and seventy-one, and in each twentieth year thereafter," so I take it, it makes but little difference what the author of that bill provided for in the election calling the convention to revise, alter and amend the constitution, when he wrote the preamble. The thing that was submitted to the people was the constitutional question that was just read.

Mr. PECK: Read the rest of it, or if that covers it, say so.

Mr. WINN: My attention is called to section 4 of the act calling this Convention, which provides that "the Convention shall have the authority to determine its own rules of proceedings, and to punish its members for disorderly conduct, to elect such officers as it may deem necessary for the proper and convenient transaction of the business of the Convention, and to prescribe their duties; to make provisions for the publication of its proceedings, or any part thereof, during its session; to provide for the publication of the debates and proceedings of the Convention, in durable form, and for the securing of a copyright thereof for the state; and to fix and prescribe the time and form and manner of submitting any proposed revision, alterations or amendments of the constitution to the electors of the state; also the notice to be given of such submission."

Mr. BROWN, of Highland: It occurs to me that it will be probable that someone will submit that question of whether that was constitutional to the supreme court.

Mr. STALTER: I observe from a reading of the resolution that it provides "That it shall be the policy of this body to submit all of the proposals which shall pass." I would like an explanation of what is meant by the term "shall pass."

Mr. WINN: That language may not be the best language that could have been chosen to express the intention of the committee that reported this back. We understand it generally though, that these proposals are introduced, they pass the first reading and the second reading and the third reading, and when they have passed the third reading they have "passed."

Mr. STALTER: Could a proposal that does not pass the Convention be submitted?

Mr. WINN: Certainly not. I do not see how it could be submitted.

Mr. STALTER: Then would that exclude the submission of the question of woman's suffrage?

Mr. WINN: Certainly not. It has passed the second reading and probably will pass the third reading.

Mr. STALTER: Was the question of woman's suffrage passed by the Convention, or did the Convention simply decide to submit that question to the people?

Mr. WINN: The question that passed was whether the word "male" should be stricken from the constitution and no restrictions as to who shall be the electors. Now, in view of the plain provisions of the constitution which require at the hands of the electors nothing more than a ratification by a majority of all the votes cast upon any proposition for ratification, and in view of the plain provisions of law, we have a right to submit these propositions in any form we see fit, and if the other provisions of the constitution give us the right to either amend the whole constitution or submit amendments to it, it seems to me that the wise thing for us to do is to determine now—not put it off—but determine now, so that every member may know that within a very short time this Convention will conclude its work. I do not mean a period that will not give opportunity to go ahead and do what should be attended to, but we should take but a few weeks at most. Let us determine it now, so that we have by that means set a stake ahead, and we say when we reach that point we will quit.

Mr. EBY: In what manner do you think the passage of this resolution will affect the time within which we

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shall complete our work, or in other words, if we pass this, do you think it will reduce the number of proposals to be submitted?

Mr. WINN: I verily do. This resolution could have been put in another form. I think it could have been better understood if the committee had reported back a substitute declaring it to be the sense of the Convention that no general revision of the constitution should be attempted, but that we should confine our work to the necessary amendments, each to be submitted as a separate and independent proposition to the electors of the state. Then it would have been more easily understood, but I think we all understand the purpose of the resolution. It is in effect that we put ourselves upon record now as being in favor of doing nothing more than make necessary amendments, submitting them all as different propositions. That will make quite a difference, I think, if we appreciate the fact that we are not entering upon any general revision, but are to submit only the real necessary amendments. That will shorten our work, and not only shorten our work, but it will create great confidence in the people, and when we shall finally conclude our work it will stand a chance of being ratified by the electors at the polls, and that is what we are most interested in now.

Mr. ANDERSON: I do not believe that the delegates—at least I can not—can vote upon this question at the present time intelligently. I would just as soon have the work of this Convention defeated at the polls as I would to neglect my sworn duties in the way of leaving out certain things that ought to be done so that the work might be ratified later on. It is my opinion that the different delegates getting upon this floor and saying that everyone is complaining of the work the Convention is doing, and claiming that it is going to be defeated, will do more toward defeating it than to postpone the consideration of this question. I do not find a sentiment that the gentleman from Defiance [Mr. WINN] suggests. I find the people with whom I come in contact have considerable confidence in the work of the Convention, and how, intelligently, could they have anything else? What have we done? How can they now say that this Convention is going to do something that will not meet with their approval?

Now just let us make an examination of what we have done. We have passed the jury system proposal. Every editor and every newspaper that I have gotten hold of have praised our work in this regard. Even over in New York the judges have praised the work of this Convention in that regard. I know of no criticism with reference to the jury system—permitting the legislature to allow a verdict by three-fourths of the jury in civil cases.

The woman's suffrage question is a little too new to have any criticism along that line, but from what I have heard from the delegates after they have gone home, we have had universal praise in that regard. From what I hear from the delegates who have gone home we have had universal praise for what we did on the liquor question, and the praise along that line came from the men who voted against it. So I can not see where anyone can predicate criticism of the work of the Convention. Is it criticism of men who imagine we are going to do something that they don't want us to do? Who says

that the work will not be ratified? And who can say that we are going to cut short our work and not do all that we want to do? For instance, our friends from Cuyahoga county, I know, have several proposals that they think are all important. They are small in their way, but are very important. Things of that kind will be lost if these large ones are unduly rushed through. It seems to me we are not in a position to vote on this matter now. Our friend from Stark has a proposal before the Judiciary committee which permits the state to be sued. It is a necessary thing and the constitution should be so changed. That will be neglected if we want to rush the big things through. The big things are always the important things in the estimation of the man who is speaking.

For instance, Judge Peck has Proposal No. 184, which to my way of thinking is more important and will produce more good in less time and to a greater number of people than any other in the proposal book, but from Judge Winn's standpoint he might say that is a minor affair, the people will vote it down, we have too many things in it. Now what ones are we going to leave out? Are we going to leave out that proposal to correct abuses growing out of imprisonment for contempt? That is a minor affair, looked at from some standpoints, but it is an important matter, and one that will remedy some great evils. I think we should postpone this resolution, put it on the table, until we have the work before us. I don't believe any committee is going to shirk its duty for the sake of cutting the Convention short in session, or for the purpose of getting a few critical men on the outside to say they are in favor of the work of the Convention. There is no use in going over it again, but I think there are a large number of proposals that ought to be submitted along with others. If I had my way I would have four proposals submitted separately.

First. Woman's suffrage—not necessarily first; I just happened to name it in that order.

Second. The liquor proposal.

Third. The initiative and referendum.

Fourth. Good roads. And I would put all of the others together and let the people vote on them in that way. I might change my mind, but I think this resolution should be put over until we can vote on it intelligently.

Mr. HOSKINS: I would like to see this resolution passed at this time. I think we have reached the stage in the work of this Convention when we can declare our policy, not for the purpose of circumscribing the work of the Convention or preventing any particular proposal from being voted upon, but for the purpose of defining the policy of the Convention that we may know which way we are working. There is, of course, criticism of the work of this Convention. That must be expected in the ordinary course of human events. I mayself have very little patience with the man who makes the prediction that our work is going to be defeated, although what the member from Defiance [Mr. WINN] has said is very largely true. You do hear those statements made, but those statements do not influence my conclusions in this matter. I believe that each proposal of great importance should be submitted separately for the people of the state to vote on separately, as it can only be presented fairly to the voters in that manner.

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Now we have a right to our differences of opinion. I have a right to vote at the election on the woman's suffrage proposal, and I voted last week. I have a right to vote pro and con on any of these proposals. Now, if you combine any two, five or six proposals, I may be in favor of five and oppose one of them, yet in order to register my objection to that one I am forced at the polls to vote against the five that I favor. The people are intelligent enough to understand thoroughly the different proposals put up to them, and we can not get a fair expression of the vote of the people of Ohio upon each separate proposal unless it is submitted separately.

Mr. ANDERSON: If we delay the consideration of this question, say two or three weeks, until we have more of these things reported out and acted upon, how much do you think we would lose by the delay?

Mr. HOSKINS: I have no way of answering that question.

Mr. ANDERSON: Do you think we would lose any votes?

Mr. HOSKINS: Yes; I think we would. My mind was made up a long time ago on this proposition. I was ready to declare this two or three weeks ago; in fact, the very first day we met. I believed then that that was the method in which they should be submitted. As I say, the only point I desire to urge is that we want the consensus of opinion and the fair judgment of the people of Ohio upon each one of these proposals submitted, and the only way to get the fair judgment is to submit them separately, so that one man who favors one proposal may not be compelled to vote for some other proposal he does not believe in, and, vice versa, that he won't have to vote against a proposal he really favors in order to vote against some proposal he does not favor.

Mr. LAMPSON: Have you examined the question of whether we can group a dozen minor proposals under one head and submit?

Mr. HOSKINS: I don't think I have.

Mr. PECK: There is where the rub is.

Mr. BROWN, of Highland: It has occurred to me all along that a committal to separate proposals without any elasticity would probably make a ponderous thing to carry through. I have felt there are many little proposals of essential import that could be put together and passed, something that was not calculated to provoke antagonism of the people, and something that would appeal at once to the reason of a person. Several of those things could be put together so they would not be voted upon so much in detail, and then those questions that are of large moment, such as the initiative and referendum, woman's suffrage, the liquor question, and others, could be submitted separately, and thus there would not be a large number to be voted upon. Now, in order to cover that idea, I offer this amendment.

The amendment was read as follows:

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

"That is the policy of this Convention to submit all of the proposals which shall pass, to the electors in the form of separate amendments, or in groups under a common title."

The PRESIDENT PRO TEM: The question is upon the adoption of the amendment.

Mr. TALLMAN: I am opposed to the amendment and I favor the adoption of the resolution as offered. I am in favor of it, first, because there is nothing that savors of a statute of limitations, neither is there anything that savors of a gag rule, neither is there anything that savors of a failure upon the part of this Convention to consider everything that may be reported by any committee of this Convention. All will be considered; all may be considered; all would be considered under this resolution. Now a question has been raised as to the method this Convention should adopt in submitting its work to the people. The same question has been raised as to whether these amendments should be submitted separately. I will call attention to section 1 of article XVI of the constitution. That section provides generally that the legislature by a vote of three-fifths of both houses may at any time submit the question of the amendment of the constitution to the people, and the last lines of section 1 provide as follows:

When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

Mr. BIGELOW: Is not that the rule governing the submission of the amendment by the legislature?

Mr. TALLMAN: That is the rule.

Mr. BIGELOW: Does the member quote that as being necessarily binding or at all applicable to this case or binding upon the Convention as to the manner of submitting the amendment?

Mr. TALLMAN: I do not, but I mean to say it is an expression upon the part of the framers of the constitution as to the proper method of submitting amendments to the constitution—

Mr. BIGELOW: By the legislature.

Mr. TALLMAN: Whether by the legislature or by a constitutional convention, and in support of that I want to read the last three or four lines of section 3 of the same article, article XVI of the constitution:

But no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

Mr. PECK: Do you mean to say that this Convention could not submit an entirely revised constitution at all?

Mr. TALLMAN: I do not.

Mr. PECK: Does not your argument go to that extent, that we can not submit amendments under one head—that they have to be submitted separately?

Mr. TALLMAN: You can submit an entirely new constitution, but you vote on that as an entirety.

Mr. PECK: Why not vote on articles, then?

Mr. LAMPSON: Don't you think you could vote upon an article of the constitution as an entirety where the article included several sections?

Mr. TALLMAN: Yes; it would be put a single proposition; if the entire article was changed it would go as a separate proposition, and it would be governed by the votes received, of a majority of the electors voting

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thereon. Where a single amendment is presented by the legislature for the adoption of the people it must receive a majority of the electors voting at that election, not a majority of those voting upon that amendment, either for or against.

Mr. HALFHILL: If the sections as they now stand were amended to the extent of six of the sections, could not they be grouped?

Mr. TALLMAN: Well, they might be grouped. An entire article might be amended and submitted as an amendment to that article of the constitution containing all that was to take the place of that article and it would be like an amendment to a single section of an article of the constitution, and it might be voted on as such, but that can not be done under this resolution. If you want to vote on certain things that come within the purview of the article you can do it, but I want to call attention to the proposals that have been offered in this house. There are something over three hundred of them, and every one of them provides for a separate submission. There is not one of those articles or proposals unless it be a general question of taxation or something of that kind, that involves an amendment or change of more than a single section of an article in the constitution. Where that is the case it should be submitted separately. If we submit a proposal changing the rule of taxation, it can be submitted under the general head of "Taxation."

Mr. KNIGHT: Suppose this Convention has before it three proposals to amend the bill of rights in three different particulars, each of which may be important, under this resolution would it not be true that each one of those amendments could be submitted separately, whereas under the amendment offered by the gentleman from Highland [Mr. BROWN] those three might be grouped together and all three of those separate proposals embodied in one submission, while under the pending resolution of the gentleman from Defiance [Mr. WINN] that would not be possible?

Mr. TALLMAN: I would say under the amendment to this resolution submitted by the gentleman from Highland [Mr. BROWN] three important provisions of the bill of rights, could be submitted together, if they should pass, but there are lots of people that would want to vote for an amendment to one or two sections, but maybe not more than that. I don't think if you would group too many amendments to the bill of rights anything could carry. I think the whole thing would be voted down, because you can not find anybody willing to change more than one or two sections of the bill of rights.

Mr. KNIGHT: You have only answered one part of the question, and I am not sure that you caught the other part. Could that be done under the resolution of the gentleman from Defiance [Mr. WINN]? Would it not be necessary under that resolution to submit each one of those amendments as a separate and independent proposition?

Mr. TALLMAN: It could not be done under the resolution of the gentleman from Defiance.

Mr. KNIGHT: I desire to know whether in your judgment the adoption of this resolution tonight would or would not be likely to have this effect, that on each proposal that comes up hereafter, independently of the

merits of it, it will be objected that it can go over and it had better go over and not be adopted for fear we would have too many?

Mr. TALLMAN: I do not believe it would have that effect. I want to say another thing generally to this Convention. I do not think that this Convention should submit anything to the people unless they believe—honestly believe—that that proposal or amendment, if adopted by the people, would be a good thing for the people of the state of Ohio. I object to submitting anything, good or bad, to the people simply that they may have an opportunity to vote on it. I think the Convention should be in favor of any proposal before it is submitted to the people; otherwise, we might as well have no constitutional convention. We are to use our judgment and that is what we are here for. We should be careful not to submit any new-fangled notion or any proposition that the Convention, as a whole, does not believe would be a good thing if adopted by the people.

Mr. HARRIS, of Ashtabula: I would like to inquire if the matter of the importance of a proposal is not pretty nearly the matter of the personal opinion of the man proposing the measure?

Mr. TALLMAN: That is undoubtedly true, and this Convention is selected by the people of Ohio to determine the importance of the proposal to be submitted, and in determining its importance they should put in nothing excepting what they believe, if adopted by the people, would be a good thing for the state of Ohio.

Mr. TETLOW: I would like to ask this question: Do you think that we are better able to determine at this time how we will submit our work to the people than we would be at the expiration of our work?

Mr. TALLMAN: I do. It is always better to know what we are going to do and how we are going to do it so that we won't have to grope in the dark.

The PRESIDENT PRO TEM: The member from Hamilton [Mr. WEST] desires to ask a question.

Mr. LAMPSON: That is a new member. Please introduce him.

The PRESIDENT PRO TEM: The attention of the chair was diverted and he did not notice what he was saying. The member from Hamilton [Mr. PECK].

Mr. PECK: I am glad to be introduced. I have been worrying me morning, noon and night as to whether we are to submit separately or in a lump. Now, it seems to me, after considering a good while, I have been veering toward the proposition that we should submit separately. My mind has been working that way, but it seems impracticable in many respects to do that. Take the part of the work that I am most familiar with—that before the Judiciary committee—we have a dozen amendments that will probably go into article IV, all relating to the judiciary and relating to the same subject, but very different in their aspects and bearing, some defining the jurisdiction of the courts, some creating new courts, and some providing for this and some for that, and if each is submitted as a separate proposal it will be too many. It seems to me that it is absolutely necessary that they be submitted in some other way. I believe now there is a middle ground. We have already passed two salient proposals that we all agree should be submitted separately, and those are the woman's suffrage and liquor pro-

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posals. Both of those have been directed to be separately submitted, but there are some other things that we can not submit separately.

Mr. KING: Does the gentleman from Hamilton think there will be any legal difficulty in the Convention, if it sees fit, submitting an entire article as one amendment to the whole constitution?

Mr. PECK: I have been thinking about that, and I think it might depend a good deal on what was in that article. There are a good many things that lump together in some of those articles that are not homogenous, but as a general proposition that can be done and I think this is a solution of the whole matter. We can submit the salient points like woman's suffrage and the liquor question. Those stand out and they can be submitted. Then take the short ballot—there are dozens of propositions about terms of office and different offices which the people might vote on as a whole. Those relating to officers might be lumped together. I believe, if we look over these things carefully, that we will find a whole string of them can be lumped together.

Mr. BROWN, of Highland: It occurs to me that when the Convention commits itself to a policy of specific performance, that when we say it is the policy or purpose or sense of the Convention that we will submit separately and in groups, that expression has elasticity, and the method of doing it can be left in a great measure to the discretion of the committee on Submission and Address to the People, but if we commit ourselves purely to the policy of separate submission, would that be sufficiently elastic to cover all the things contended for?

Mr. PECK: It is possible that an elastic declaration of policy like that could be construed one way at one time and differently at another, and it might be changed at the last minute, if that is what you mean, but I think that is the wisest plan to proceed with. Then we shall have some tentative plan, not firmly fixed, along which we will work, making such changes as found necessary as we go along.

Mr. BROWN, of Highland: I mean that the Convention should not commit itself specifically to a procedure, but that this is only an expression of the sense of the Convention.

Mr. PECK: Now I have heard something about what the people are going to do and what they are not going to do. I don't think anyone here knows what the people are going to do or anything about it. You can go about the streets here and have some fellow say "Oh, we are going to defeat anything that your old Constitutional Convention does up there." You go on and meet another fellow, and he is for us, and he says "You are doing fine; you are doing well," and all sorts of talk like that. It does not prove anything. Anybody who has had any experience in politics knows it does not. I don't propose to be deterred from voting for anything that I think is right in this Convention by anybody's notions that it may be unpopular, or may be the means of defeating what we ought to pass. We are here to do our duty and to propose such amendments and revisions for this constitution as we think are right, and whatever strikes me after a careful consideration to be the right and best thing for the people of Ohio, I propose, so far as my vote goes, to submit to the people of Ohio, and I don't propose to be deterred by any-

body's statement that the people will reject it. If it is right and the people reject it, so much the worse for the people, and I am sorry for them.

Mr. BIGELOW: I want to ask the gentleman from Hamilton [Mr. PECK] this question: If the new constitution were submitted and also two or three questions separately, like the liquor and license question, and suppose the liquor and license question carries, would that be an amendment to the new constitution or the old? And in the event that the new constitution failed, would the liquor license question fail even though it received a majority?

Mr. PECK: I don't remember the wording of the liquor license proposal. I remember the people who drafted the woman's suffrage proposal specifically provided for that. They provided that that shall stand or fall by itself without regard of what becomes of the rest of the constitution. I do not know that that is provided in the liquor proposal.

Mr. BIGELOW: I was trying to get from the judge, for whose knowledge of law I have great respect, whether in his judgment it would be possible to submit amendments separately, each amendment having reference to both the constitutions, the old and the new, so if it carried it would be a part of the old constitution even in case the new constitution failed of adoption. Do you think it would be likely to do that, Judge?

Mr. PECK: I certainly think that these two amendments as passed will have that effect if all the rest of the constitution is defeated, and if they carry they will go into the old constitution and become amendments to it. That is my belief about any proposal to be submitted separately, but when you go down to such things as municipal government—a bunch of things in a chapter, such things as are considered in the committee which requires much of my time, the committee on Judiciary—you will find they contain a great many subjects and there will be difficulty in classifying them. That difficulty is going to be very great, and therefore we will have to proceed very carefully about bunching those things in order to submit them in a proper way so that the people will understand them. They should not be submitted so as to conceal them or deceive the people. They should be submitted in such a manner that the people can understand what they are voting on, and that is going to be a matter that will require some careful consideration. As some gentleman has said, we can much better frame up those things as we approach the end of our work. I believe in adopting the resolution of the gentleman from Highland. I think that is a good proposition, but it may be necessary to modify it, and it may be necessary to give it a pretty elastic construction before we are through.

Mr. ANDERSON: I submit the following amendment.

The amendment was read as follows:

Strike out all after the word "Resolved" and insert the following: "That we declare it to be the policy of this Convention that the work of this Convention be not the making of a new constitution, but, wherever needed, the amending of the old."

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The PRESIDENT PRO TEM: The question is on the amendment of the delegate from Mahoning [Mr. ANDERSON].

Mr. KING: What is that an amendment or substitute?

The PRESIDENT PRO TEM: That is by way of substitute for the pending resolution.

Mr. KING: I do not know that personally I have any objection to this substitute. However, I believe that the amendment of the delegate from Highland [Mr. BROWN] is the best one. I am very much in favor of the object that seems to me is aimed at by these propositions, the resolution and the amendment to it. I do not undertake to stand here and give any exposition of constitutional law, because what I say will not go any farther than a mere expression of my own opinion. There has been a number of questions asked about what the law is on this proposition. Now the legislature had before it these three sections that governed it when it passed the two different acts resulting in the coming together of this Convention and they never added any limitation to those contained in this article. If they attempted to do it they passed something that is not binding on this Convention at all. All the authority in the world we have is contained in this article, and this article is so drafted that you must read all these sections in order to understand what the last section was intended to mean. The first section is devoted to submitting amendments directed by the legislature, but without any sort of connection between what they say as to the power of the legislature to submit amendments there are two things which provide that when more than one amendment shall be submitted at the same time they shall be so submitted as to enable the electors to vote on each amendment separately. That in and of itself may not be binding to any very great extent upon what is contained in the section, or the next two sections, but it at least illustrates very clearly what the Convention had in mind when they were providing for amendments to the constitution. Then they say, "Whenever two-thirds of the legislature" — without reading it exactly—"shall think it necessary to call a convention to revise, amend, or change this constitution." Now it is not that section that this Convention is held under, except insofar as the third controls this, "Whenever the legislature or two-thirds of the members shall think it necessary to call a convention to revise, amend, or change this constitution, then they shall proceed and so declare and recommend to the electors to vote upon the proposition whether the constitution should be revised, amended or changed." Now, when they came to enact the third section, they said this—and it is not, as I said before, under the third section that this Convention was called: "At the general election to be held in the year 1871, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend the constitution," shall be submitted to the electors of the state. Now that was in fact done but once since the adoption of the constitution, and that thing was never adopted. It was not done in 1891. It was not done in 1911, so that the legislature has never acted under that section of the constitution except in 1871. But the words which they submitted to the people were substantially the same, having the same meaning, but are not the same as the words contained in section 2, that "Whenever the legislature shall think it necessary they

shall call a convention to revise, amend, or change this constitution," and it is under that section that the legislature did act when they provided the necessary legislation and submitted to the vote of the people the question and called for an election of delegates. Now, under section 3, after saying what need be done to secure a revision, alteration or amendment in these particular years, they say: "But no amendment of this constitution agreed upon by any convention"—however called or whenever held—"assembled in pursuance of this article,"—not the section, but this article of three sections—"shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon."

Mr. BROWN, of Highland: I want to ask the gentleman from Erie [Mr. KING] if a group of amendments to the constitution would not be an amendment of the constitution?

Mr. KING: That is just what I am coming to. I undertake to say, as I said in the beginning, that so far as we have authority we get it from this article of the constitution. If the legislature has done anything to the contrary we need not regard it.

There is not anything in this article that prevents this Convention from adopting its own course, in my judgment, both as to the manner of submitting its amendments, or changes or alterations, and the time—when and how the votes shall be taken thereon—except that if it submits amendments they must be submitted separately, and then they are adopted if they receive the support of a majority of those voting thereon. That provision of the constitution we are bound by, if we submit amendments, and are bound by the provision also that any alteration or revision submitted must receive a majority of the vote cast thereon.

Now if the Convention sees fit to adopt that plan ultimately, of putting into one amendment to the constitution all of those provisions that relate to one subject-matter, and putting it upon the ballot as it were. I can not see any difficulty. It is suggested that it may contain half a dozen or more sections and that some elector might want to vote for one and vote against the other. That is very true. That certainly would not be any worse than to have the same thing put in the whole constitution and have it defeated because of some objectionable sections. If by putting up a dozen amendments, or attempting to put everything in the form of an amendment, you find you are going to have too large a number, so it will be unlikely that the people can consider any of them, or rather that in disgust they will vote against them or not vote at all, I would think it entirely feasible and also sensible to group those sections with proposed amendments which relate to the same subject, and which are part of the same article, and let them all stand together. That is my judgment about it, but I rose more particularly to say that I think this Convention, as to the form or the method it shall adopt of submitting these amendments, is a law absolutely unto itself and can do just as it pleases about it, if the Convention does the three things named in the constitution, or one or more of them.

Mr. PECK: I agree with Judge King's explanation.

Mr. ANDERSON: Do you think it is advisable at

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this time to vote upon this before we know what we are going to have?

Mr. KING: That is difficult to answer, but I am ready to vote on it now. I can not see that any harm will result from delaying it, but I shall vote for it now.

Mr. McCLELLAND: I feel the sentiment of the Convention on this proposition more sensitively than I do the sentiment of the people outside of the Convention. Now I have run across the sentiment that the author of the resolution has referred to. A week ago when I was at Marion I met one of the prominent business men of the city and he said, "You belong to the Convention? It makes no difference what you do, we are going to sit down on it." I said, "No, you won't," and he asked "Why?" I replied, "We are going to submit everything separately, so that anybody who believes in one thing can vote for it, and he can vote against those things he doesn't believe in." He said, "Well, if the things are going to be submitted separately, I will vote for a lot of them."

Now, we are all anxious that the work of this Convention shall not be repudiated and come to naught. Some of us though are too easily frightened. The first little thing that comes up we run away, just like some of the gentlemen ran from the suffragettes. It is too easy to get delegates scared when people get after them. Now there is no use in taking any extreme position. When the constitution was submitted in 1874, there was one amendment tacked to it which was objectionable to a large portion of the voters of the state—the license proposal—and the word went out to those who were opposed to that amendment to vote against it, and for fear the amendment might pass to also vote against the ratification of the new constitution, so that they might have two whacks at the bad amendment, and they attended to it, defeating the special clause and also the constitution. Now take the various things that we have adopted. There is "good roads." If anybody is against that he will vote against it, and he will vote against the new constitution for the sake of defeating that clause unless both are submitted entirely separately. The same thing is true of woman's suffrage and the liquor question, and it will be true possibly of half a dozen other things—I don't know how many. We all know that when we get through there will not be anything we will have done that will meet the approval of all the people in the state, but some changes will make a strong appeal in favor of our revised constitution. When the recommendation came back from the Judiciary committee recommending a slight reform in the jury system, it went through so unanimously that there was hardly a ripple on the surface of the Convention, and there was nothing outside but approval, in this state and out of it. It was so reasonable there was hardly a single vote against it, although there are some gentlemen here who can hardly help speaking against every subject that comes up. Perhaps nine-tenths of the proposals come back from committees with recommendations to indefinitely postpone. But when a recommendation does come for the adoption of a resolution and the Convention adopts it, we ought to leave it to our committees to decide whether it shall be a part of the revised constitution or be submitted separately.

Whether it will likely be adopted by the state or

whether there will likely be a large number of voters against it, our committee on Method of Amending the Constitution or the committee on Submission and Address to the People will judge. They can very readily determine which of the amendments can wisely be embodied in our revised constitution and which shall be submitted separately. If they have any doubt about it they can refer it back to the Convention for instruction, but it seems to me that this method of arranging the matter would be entirely reasonable and would be acceptable not only to the members of the Convention, but to our constituents. First, these amendments which involve large discussion on the floor of the house or among the voters of the state should be submitted separately, and second, the amendments which do not involve such large discussion and such difference of opinion would be embodied right in the revised constitution. That revised constitution would have these amendments where every body can see them, and a large majority of the people, because they are desirous of voting for them, will vote for them. Ninety-nine out of a hundred of the voters of the state will say, "They have done their work well in the body of the constitution," and will almost certainly adopt it. But I submit that if the body of the constitution is turned down by the voters of the state, the matters like the woman's suffrage amendment, the liquor proposal and the good roads proposal, should be so worded as to be embodied in the old constitution if the new constitution is defeated, so that no one who votes against one of these amendments will also vote against the new constitution for the sake of making doubly sure that the amendment will be defeated, and so every voter in the state will vote on each one of these amendments on its own merits.

Mr. BIGELOW: I have talked with a great many people and to a great many audiences upon the question of the manner of submitting the work that we do, suggesting this course of submitting everything we do in the form of separate amendments, or at least amendments grouped under a common title, and I have in every instance met with prompt and enthusiastic approval of the course. It seems to be accepted everywhere and by everybody as the way to do it, and it does seem to me, gentlemen, that it is time for us to take a stand on this question. We had a resolution along these same lines presented at an early stage of our work by the member from Putnam [Mr. MATTHEWS]. We had another resolution presented by the member from Noble [Mr. OKEY], and we took half a day, or nearly so, discussing that resolution and then these resolutions went with the others to the committee on Rules, and from time to time we considered them. The suggestion that perhaps the time is not quite ripe was made, and we delayed and delayed and delayed, and now it seems to me there is no good reason for further delay in this matter. The amendment to the amendment offered by the member from Mahoning [Mr. ANDERSON] seems to be a very gingerly thing. The amendment to the resolution says it shall be the policy of this Convention to submit amendments—not to undertake a complete revision of the constitution, but to submit amendments separately or in groups under common titles. The amendment to the amendment goes half way, but you can not possibly go that half way without going the rest of the way, so I do not see any reason

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for stopping where the member from Mahoning [Mr. ANDERSON] does.

If we do not do our work in the way of a complete revision of the old constitution, we must do it in the way of amendments, so if we go half way we might as well go the full way with the gentleman from Highland. As I say, the program of submitting amendments separately will meet with enthusiastic approval by the people of the state, and I am anxious that we shall delay no longer in going after the confidence of the people. I should like to have it done tonight. I believe if it goes out tonight it will gain us friends all over the state, and I move that the amendment to the amendment offered by the delegate from Mahoning [Mr. ANDERSON] be laid on the table.

The motion was seconded and a vote being taken the amendment was laid on the table.

The PRESIDENT PRO TEM: The question is now on the amendment offered by the delegate from Highland.

Mr. JOHNSON, of Williams: I have some remarks to make on this resolution and to know just where I am I will read them. I might say before I begin reading that I believe the people in my county, so far as I know, would rather have us give a complete and thorough revision of the constitution. I know that there is talk about it being defeated. Why, a gentleman said soon after the election of the president of this Convention that that would defeat the constitution. I was disgusted with him and told him I didn't believe anything of the kind.

In my opinion the best thing we can do as members of this Convention is to give everything that comes before us thorough and careful consideration, and then submit our work to the voters of the state for their ratification.

After our work has been completed it will then be time to consider how it should be submitted to the people.

The Convention will cost the people thousands and thousands of dollars and they have a right to demand that the work shall be thoroughly done. The whole amended constitution should be submitted to the people as a whole, except such important questions as in the judgment of the Convention should be submitted separately. When the election took place for delegates it was understood that the constitution should be thoroughly revised. There are many proposals before this Convention and they all should be well considered. I prefer to let it go out to the people of this state that we are willing to do our work, willing to give the present constitution thorough and complete revision and bring it in all respects up to date. I for one am willing to assume that responsibility. Many amendments of minor importance can be grouped together and be voted for as a whole. I think such a course would strengthen our work before the people. I hope this resolution will be voted down.

Mr. STEVENS: I offer an amendment.

The amendment was read as follows:

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

"That it is the policy of this Convention to submit to the people a new constitution."

Mr. STEVENS: It seems to have been the policy of the state of Ohio for quite a number of years, and a policy that ought not now to be departed from, to amend the constitution occasionally as it seems to require it, as provided in section 1 of article XVI of the present constitution. It seems also to have been the idea in the constitution under which we have been living that every twenty years the whole document should be gone over—in fact that the lot should be cleared and a new structure erected, and it was probably the opinion of nine-tenths of the delegates during the campaign that this would be done here. The difficulty so far has been that the work is cumbersome. If we attempt to submit twenty-five or thirty amendments to the people of Ohio we will put in operation something so cumbersome that the voters will turn it down because they have not time to read it over and understand it. Now it was said by the gentleman from Defiance that there is a cry of dissatisfaction throughout the state with the work of the Convention so far as it has gone. I think that it is true to a certain extent, but not to so great an extent as the member thinks. I submit to you if there is dissatisfaction throughout the state with the work of the Convention so far as it has been done, that dissatisfaction could come from no other source than the manner in which that work has been done, and I further submit that every single move made in this Convention, from the first day until now, has been made along the line suggested by the gentleman from Defiance—that we patch up the old document. Take any one of the three hundred proposals that have been offered, and it proposes not to make a new constitution, but to amend a small part of the old one. We have been going for two months along the line that his resolution lays out. He complains that the people are dissatisfied. If that is the fact, is it not proper to change our course and adopt some other policy that will meet the approval of the people better than that which we have been following has met it? If we have dissatisfaction it grows out of the fact that we have done our work in a different way than what was expected.

Mr. BROWN, of Highland: I understood the gentleman to say in his opening remarks that the people would require—that it was the policy or that it had been the practice of the people to demand a complete revision of the constitution every twenty years. I rise to inquire, if that is the practice and the idea of the people of Ohio, how is it that it has not been amended in sixty years?

Mr. STEVENS: The gentleman has the same frailty that someone charged against the delegate from Allen. I can not tell the thing he is driving at. I think the surest way to go about amending the constitution is to clear the lot and build a new structure and submit the constitution as a new constitution to the people, and let them vote new constitution, yes; new constitution, no. By that I don't mean that everything in the old constitution should be thrown away and the document entirely destroyed. I mean we should use as much of the old constitution as appears to have weathered the storm, that appears to be time-tried and fire-tested, and incorporate that in the new instrument along with the new provisions we shall pass, and put the whole in proper order. Then it will be like the old federal constitution, a constitution that will be a model for all time to come. Then we can

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separately submit a number of the questions on which the people are most seriously divided.

Mr. ELSON: Do you mean to submit a few of the most important things separately?

Mr. STEVENS: Yes.

Mr. ELSON: I am ready to vote with you on that.

Mr. STEVENS: There are some questions upon which the people of Ohio are so seriously divided and upon which they feel so strongly, that a great many voters, rather than surrender their particular preference, would vote against the constitution. There are men in Ohio who would vote against any constitution if that constitution didn't meet their approval on the liquor question, and the same is true as to equal suffrage, and perhaps other questions, but by submitting four or five of those much-mooted questions separately, so that the part adopted can go automatically into the new constitution, and then submitting the remainder of the document, from one end to another, we will find the surest way to have a good constitution and one that will be approved.

Mr. BROWN, of Highland: I believe your resolution does not provide for the separate submission of anything.

Mr. STEVENS: Yes; it does.

Mr. BROWN, of Highland: I don't so understand it.

Mr. STEVENS: It does not preclude the proposals we have passed being voted on separately as we have agreed with reference to woman's suffrage and the liquor question.

There is another difficulty to be avoided. Suppose some of these amendments should be adopted and some voted down, and the new constitution goes down and the old constitution remains, don't you see that we would have a document for the government of this state that can not possibly be harmonious or consistent with itself, or such a fundamental law as the people of Ohio are entitled to?

These delegates were sent here because the people thought that collectively we could frame a form of government for Ohio that would last until the next period comes around, and why not commence now and do it right? I think this question should have been determined the first day of this Convention. I think the first thing we should have done ought to have been to take a preliminary survey of the ground upon which we were to build and then find out exactly what we were going to do. When I first reached here I found so many people who knew more than I did that I didn't say anything, but I do say that now we should declare ourselves and go to work and make a new constitution as we were sent here to do.

Mr. SHAFFER: I move that the amendment to the amendment introduced by the delegate from Tuscarawas [Mr. STEVENS] be laid on the table.

Mr. STEVENS: And on that I call the yeas and nays.

The yeas and nays were taken, and resulted—yeas 71, nays 33, as follows:

Those who voted in the affirmative are:

Baum,	Brown, Highland,	Collett,
Beatty, Morrow,	Brown, Pike,	Colton,
Beyer,	Cassidy,	Cordes,
Brattain,	Cody,	Crites,

Davio,	Hursh,	Pettit,
DeFrees,	Johnson, Madison,	Pierce,
Doty,	Kehoe,	Rockel,
Dunlap,	Keller,	Roehm,
Dwyer,	King,	Rorick,
Earnhart,	Kunkel,	Shaffer,
Fackler,	Lambert,	Shaw,
Farnsworth,	Leete,	Smith, Geauga,
Farrell,	Leslie,	Smith, Hamilton,
Fess,	Ludey,	Stamm,
FitzSimons,	Marriott,	Stilwell,
Fox,	Marshall,	Tallman,
Hahn,	Miller, Crawford,	Tetlow,
Halenkamp,	Miller, Ottawa,	Ulmer,
Halfhill,	Moore,	Watson,
Harris, Hamilton,	Norris,	Winn,
Harter, Huron,	Nye,	Wise,
Henderson,	Okey,	Worthington,
Hoffman,	Peck,	Mr. President,
Holtz,	Peters,	

Those who voted in the negative are:

Anderson,	Johnson, Williams,	Riley,
Antrim,	Kerr,	Solether,
Beatty, Wood,	Knight,	Stalter,
Cunningham,	Kramer,	Stevens,
Donahay,	Lampson,	Stewart,
Dunn,	Longstreth,	Taggart,
Eby,	Malin,	Tannehill,
Elson,	McClelland,	Thomas,
Evans,	Miller, Fairfield,	Wagner,
Fluke,	Partington,	Walker,
Harris, Ashtabula,	Read,	Weybrecht.

The PRESIDENT PRO TEM: The question is now on the amendment of the delegate from Highland.

Mr. FESS: When this resolution was first introduced I was opposed to it because we hadn't gone far enough to see what we should do. When it was introduced the second time I was opposed to it, but it seems to me we ought not to defer it longer and we ought to decide it tonight. I agree with the member from Tuscarawas that we should decide one way or the other, and I think we should all of us agree on one thing, and that is that no member of this Convention wants to adjourn and send an instrument to the people that will be rejected. I have a little pride in that, and I hope that what we do here will carry, and I feel it would be almost a calamity to the individual members here if the work we do is not ratified by the people. I have a pride in the hope that I shall have part in a Convention that will submit an instrument under which we are going to live. If we submit a new instrument all of the objections that are to any individual modification will be centered against that instrument. There is nothing that we can do that would unify the objections from every source against what we do so effectively as to submit a new instrument. Those who are opposed to woman's suffrage will vote against the constitution and it will prove an effective weapon; those who are opposed to the license measure will do the same; those who are opposed to the initiative and referendum will do the same; those who oppose anything can effectively speak against it by voting against the instrument, and it seems to me if it were not for that I would prefer greatly to submit a new instrument, but under the circumstances, in order to avoid every individual opposition being centered against what we do and thus subject us to the humiliation of having our work defeated, we had better submit separately.

Mr. EBY: What is to prevent submitting an entire

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instrument and then submitting four or five separate questions?

Mr. FESS: Nothing, but that doesn't relieve us.

Mr. TANNEHILL: Has any state in the Union in constitutional conventions submitted its work as separate amendments?

Mr. FESS: I can not say as to that other than California. I am not acquainted with the facts.

Mr. TANNEHILL: Has there not been a great number of constitutional conventions about the country and yet are you unable to name a single one that has submitted separate amendments?

Mr. FESS: That does not amount to anything. We are talking about what we are doing. What other people did does not make any difference here.

Mr. TANNEHILL: Are we much different than other states?

Mr. FESS: In some respects we are.

Mr. RILEY: Don't you know that twenty-three propositions were submitted in California under the initiative and referendum?

Mr. FESS: Well that doesn't change the situation.

Mr. HARRIS, of Ashtabula: If I understand your proposition as you are stating it, the limitations of the work will commend the work to the people?

Mr. FESS: Not limitations in amount, but limitations in the patience of the people will also commend us.

Mr. HARRIS, of Ashtabula: I don't understand how you separate one from the other. I would like to have the gentleman from Greene outline just what kind of amendments we should make.

Mr. FESS: There is no question about that right now. There is no determination as to how many. It is a simple matter as to whether you will amend or revise.

Mr. HARRIS of Ashtabula: Whether we will revise the constitution as a lump or by a long string of separate propositions?

Mr. NORRIS: May I ask you what was done in 1874 and what became of the constitution then made?

Mr. FESS: It was defeated just as this will be, if we proceed the way some of you people want it to be done.

There was a confusion in my mind which was cleared up by Judge Peck and Judge King and that was whether we can group certain amendments, and if we can there need not be so many amendments. We can submit article VII as a single amendment. We can submit the article on judiciary. If we do that there need not be so many amendments.

I want to repeat that we should do something definite tonight. We ought not defer it further. The people of the state have a right to know what we are going to do and I am afraid—I don't know whether it will be regarded as a dignified statement or not, that I am going to make, but I am afraid if we submit the new instrument we will concentrate the opposition of the people of Ohio on the various modifications and we will swamp all that we are attempting to do, while on the other hand, if we submit amendments to the old instrument then the old instrument may stand as modified, and if any amendment is carried the old instrument is carried with the modification and if all are defeated the old instrument will stand. It is a question with me in my mind between

going out of here with something that will be adopted by the people and going out with something that will be repudiated by the people, and as an individual member I hope we will be able to unify the support in favor of the amendments rather than in opposition to them.

Mr. WINN: I am not asking for time to discuss this question further except to say that as the author of the resolution I am glad to concur in the amendment offered by the delegate from Highland [Mr. BROWN]. Indeed, that was my notion of it all the time, although I had some misgivings before the debate of the question as to whether or not we could do that. I think that has been cleared away. I feel certain that we may be able to group under some proper title or heading a number of the different proposals, and if we do that there will be no necessity at all for us to shorten our work so far as that is concerned—I mean the amount of work—but we simply set a stake and when we reach that stake there is where we stop. I am glad that the member from Marion [Mr. NORRIS] asked the question of the last speaker touching the result of the work and convention of 1874. It is a good thing to remember that that convention submitted an entirely new instrument and then attached to it a few independent propositions, as has been proposed by some to do now, and the result was that the whole thing went down together.

Mr. HARRIS, of Hamilton: I trust the original resolution and all the amendments will be voted down simply for the reason I do not think this is quite the time to take action thereon. I do not say I will oppose later in our proceedings the adoption of the amended resolution, but it is not now the right time to consider it. We do not now know what the work will be before us. I am one of those who are exceedingly optimistic as to what the state of Ohio will do with the work of this Convention. I believe it will be ratified. I believe that this Convention has within its membership men who rank in ability with the men in any convention that was ever held in the state of Ohio, and I believe there are psychological conditions very much in our favor. The people of Ohio have been told for the last ten years that our constitution is antiquated and that we can only make progress if we change it. I do not mean to say that the constitution is so antiquated that it is necessary to make radical changes in order to progress, but I say to you that it is the general opinion of the state of Ohio that a change in the constitution is necessary, so that I have no particular fears of the outcome of our work provided it proceeds along the same line which has characterized it heretofore. I do not think any member of this Convention need apologize for what this Convention has done. I think there are some of us who are a little too sensitive regarding newspaper criticisms. If we were to compare the files of contemporaneous newspapers of the preceding convention you would find the same thing existed then that we have in our days, that the newspapers in 1851 and 1874 had a great deal more influence than the newspapers of 1912. In other words, the people of Ohio are better informed on political matters, because in the past ten years there has been a much wider discussion on political matters than was ever dreamed of in the preceding decades from 1851 to 1860, or from 1870 to 1880. Therefore, in my judgment, that resolution ought not to pass now.

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We ought to know what we have done and what is left to be done before we take action along these particular lines. I think it will be found at the conclusion of our labors that there will be five or six major proposals as determined—and they are only major so far as they affect the interest of the people of the state at large, because they have been principally discussed in the last ten or twenty years by the people of the state—and a large number of minor, but equally necessary, proposals might very well be incorporated in the constitution as a whole, but until we have gone further we can not determine what is the better course to pursue. I therefore suggest and urge that we vote down the original resolution and all amendments thereto, and I now move the previous question.

The PRESIDENT PRO TEM: Are there sufficient seconds?

The previous question is regularly demanded. The secretary will read the motion and the amendment because when the previous question is ordered it is not in order to read them.

The resolution and amendment were here read.

The PRESIDENT PRO TEM: The question is on the amendment of the delegate from Highland.

The amendment was agreed to.

The PRESIDENT PRO TEM: The question is now on the original motion as amended.

Mr. STILWELL: And on that I demand the yeas and nays.

The question being, "Shall the resolution be adopted?" The yeas and nays were taken, and resulted—yeas 68, nays 35, as follows:

Those who voted in the affirmative are:

Antrim,	Brown, Highland,	Cordes,
Baum,	Brown, Pike,	Davio,
Beatty, Wood,	Cassidy,	DeFrees,
Beyer,	Cody,	Donahay,
Brattain,	Collett,	Doty,

Dunlap,	Kerr,	Riley,
Dwyer,	King,	Rockel,
Earnhart,	Lambert,	Roehm,
Eby,	Leete,	Rorick,
Eison,	Leslie,	Shaffer,
Fackler,	Longstreth,	Shaw,
Farnsworth,	Ludey,	Smith, Geauga,
Farrell,	Marriott,	Smith, Hamilton,
Fess,	Marshall,	Solether,
Hahn,	Miller, Crawford,	Stalter,
Halenkamp,	Moore,	Stamm,
Harter, Huron,	Norris,	Tallman,
Henderson,	Nye,	Ulmer,
Hoffman,	Okey,	Watson,
Hursh,	Peck,	Winn,
Johnson, Madison,	Peters,	Worthington,
Kehoe,	Pettit,	Mr. President.
Keller,	Pierce,	

Those who voted in the negative are:

Anderson,	Holtz,	Stevens,
Beatty, Morrow,	Johnson, Williams,	Stewart,
Colton,	Knight,	Stilwell,
Cunningham,	Kramer,	Taggart,
Dunn,	Kunkel,	Tannehill,
Evans,	Lampson,	Tetlow,
FitzSimons,	Malin,	Thomas,
Fluke,	McClelland,	Wagner,
Fox,	Miller, Fairfield,	Walker,
Halfhill,	Miller, Ottawa,	Weybrecht,
Harris, Ashtabula,	Partington,	Wise.
Harris, Hamilton,	Read,	

So the resolution was adopted.

The PRESIDENT PRO TEM: The delegate from Hamilton [Mr. HARRIS] desires unanimous consent to introduce a resolution relative to admission into the hall of the Convention on the occasion of the address of Mr. Bryan.

Resolution No. 84 was read, and a vote being taken the resolution was adopted unanimously.

On motion of Mr. Hahn the Convention recessed until 10:30 o'clock tomorrow morning.