

# FORTY-THIRD DAY

(LEGISLATIVE DAY OF MARCH 11)

## MORNING SESSION.

FRIDAY, March 22, 1912.

The Convention met pursuant to recess and was called to order by the president.

Leave of absence was granted the delegate from Erie [Mr. KING] for Monday.

## PETITONS AND MEMORIALS.

Mr. Beyer presented the petition of Miss Ruth A. Stephens and other citizens of Hancock county, asking for suitable laws to encourage schools and the means of instruction; which was referred to the committee on Education.

Mr. Bigelow presented the petition of Ella Mae Talmage and other citizens of Cincinnati, asking for suitable laws to encourage schools and the means of instruction; which was referred to the committee on Education.

Mr. Watson presented the petition of J. H. Dilly and two hundred and twenty-five other citizens of Cambridge, asking for equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Watson presented the petition of J. F. Cash and thirty-six other citizens of Lore City, asking for the prohibition of the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Miller, of Fairfield, presented the petition of Dr. C. A. Barrow and one hundred fourteen other citizens of Fairfield county, asking for full suffrage of women; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Beatty, of Wood, presented the petitions of G. Hein and one hundred sixty-eight other citizens of Wood county; of M. F. Miles and seventy-six other citizens of Wood county, in favor of woman's suffrage; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Worthington presented the petition of Estella R. Caldwell and nineteen other citizens of Hamilton county, members of the Hawthorne Literary club, urging the passage of Proposal No. 163; which was referred to the committee on Legislative and Executive Departments.

Mr. Holtz presented the petition of E. G. Barnhart and sixteen other citizens of Seneca county, urging the adoption of an amendment to the constitution, prohibiting the manufacture, sale or distribution of cigarettes; which was referred to the committee of the Whole.

Mr. Cunningham presented the petition of J. D. Brown and thirty-seven other citizens of Harrison county, in favor of a prohibitory amendment to liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. King presented the petition of Elvira Hopkins and twenty-two other citizens of Erie county for woman suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Halfhill presented the petition of John P. May-

nard, secretary of the Builders' and Traders' Exchange, requesting a change in the constitution, relative to mechanics' lien; which was referred to the committee on Judiciary.

Mr. Bigelow presented the memorials of the Seventh-Day Adventist church of Canton; of Walnut Grove; of Defiance; of Bellefontaine; of Troy; of Clyde; of Conant; of Wheelersburg; of New Philadelphia; of Cleveland; of Waterford; of Alliance; of Pleasant Hill; of Chagrin Falls; of Charloe; of Mansfield; of Coshocton; of Youngstown; of Hicksville; of Newark, protesting against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petition of the Seventh-Day Adventist church of Liberty Center, against the passage of Proposals No. 65 No. 121 and No. 204; which was referred to the committee on Education.

Mr. Bigelow presented the petition of the Brotherhood of Locomotive Engineers, subdivision No. 584, of Norwood, relative to the enactment of a law by the general assembly, to protect those engaged in hazardous employment; which was referred to the committee on Labor.

Mr. Bigelow presented the petition of the W. C. T. U. of Lockland, relative to suitable school laws; which was referred to the committee on Education.

Mr. Bigelow presented the petition of Fulton Grange No. 217, of Fulton county, asking the Convention to submit all amendments to the constitution separately; which was referred to the committee on Submission and Address to the People.

Mr. Bigelow presented the petition of the Ohio Federation of Women's Clubs, relative to the appointment of women in institutions; which was referred to the committee on Legislative and Executive Departments.

Mr. Bigelow presented the petition of Geo. W. Caspar and one hundred and fifty-five other citizens of Hamilton county, relative to bill of rights, direct legislation and recall; which was referred to the committee on Judiciary and Bill of Rights.

Mr. Bigelow presented the petitions of Virgil Cumins, secretary of Branch No. 27, Reading Glass Bottle Blowers' Association; of the Central Labor Council, of Cincinnati; of the United Mine Workers of America; of the International Association of Machinists; of the Brotherhood of Railroad Trainmen; requesting the passage of the initiative and referendum; which was referred to the committee on Initiative and Referendum.

Mr. Bigelow presented the petition of the Dayton Chamber of Commerce, against classification of property for taxation; which was referred to the committee on Taxation.

Mr. Watson presented the petition of C. P. Wade and four hundred and fifty other citizens of Lancaster against the manufacture, sale and free distribution of cigarettes; which was referred to the committee on Education.

Mr. Smith, of Geauga, presented the petition of Parkman Grange No. 1587 of Geauga county, protesting

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against the classification of property for taxation; which was referred to the committee on Taxation.

Mr. Hoskins presented the petition of the W. C. T. U. of Waynesfield, relative to suitable laws for schools; which was referred to the committee on Education.

Mr. Campbell presented the petition of Chas. Mowry and one hundred ninety-three other citizens of Henry county, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Campbell presented the petition of the pastors of the Presbyterian, United Brethren, Evangelical and M. E. churches of Napoleon, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

The PRESIDENT: The gentleman from Cuyahoga [Mr. STILWELL] is on the list.

Mr. STILWELL: I did not know I was to speak at this time and have not my memoranda properly arranged.

The PRESIDENT: Then the gentleman from Warren is next.

Mr. EARNHART: I am like some of the others, I didn't know I was to speak this morning, but as the ground has been so thoroughly covered and as I don't think we can say anything new that will change anybody's minds, yet if it will assist in getting along any, I will consume about ten or fifteen minutes.

To begin with, I am sorry we did not at the beginning of our sessions limit every man to thirty minutes in the discussion of any of the subjects, and it seems to me that the matter could have been easily arranged. The proponents and opponents of a measure could have arranged among themselves that one member could take a certain portion of the time to discuss the measure and another a certain portion of the time, in that way we could have had the ground thoroughly covered and expedite the work of the Convention, but as we have started out this way, I suppose we had as well make the best of it.

Now, in regard to the matter under consideration, I am frank to say I came here unpledged to anybody, because in my county the matter was discussed very little in the campaign preceding my election. I came here with a firm conviction that the initiative and referendum will be a valuable asset and supplement to the representative government that the fathers builded so wisely when the present constitution was formed. At that time and for years following representative government, unassisted, was all sufficient, but we know in the last few years that great corporations have sprung up that are able to get the very best lobbyists to appear here in this house and the other house, and that they can get legislation that is beneficial to them and only too often detrimental to the masses of the people.

To meet this situation the people need some reserve power with which to combat it, and I am heartily in favor of the initiative and referendum just on that account.

Now, about this thing that seems to be such a bugaboo, I am not a bit alarmed. Individually I am not a bit afraid of the single tax. I believe that an amendment along such a line would give it merit and standing before the people, and I shall be in favor of something that will cover that ground.

As to percentages, I will say that since coming to this

Convention and after studying the question and hearing from others I have changed my mind materially. I thought in the beginning we needed high percentages, but it seems to me there is no danger of the people being imposed upon by a small coterie of agitators, because I take it that those who originate a measure will without doubt have to stand the expense incident to it. So I do not think there is much danger; in fact, I believe it will only be a reserved force, as suggested by Mr. Stewart last night, and I don't think we need to be afraid of working much injury in this line.

However, if it is borne out that it does work injury later on, they have it in their power through the same instrumentality to rid themselves of it by amendment to the constitution, so that I see no danger along that line.

It seems to me it is something we can well afford — if it is an experiment, we can well afford at the present time to make the experiment. I believe that the people of the state of Ohio will ratify at the polls a reasonable initiative and referendum proposal by a great big majority. I think the time is opportune. We know there is unrest, and I believe such a measure will be ratified if it is a reasonable measure.

I do not see any danger except in the event of the ratification at the polls of the woman's suffrage proposal, but I will not allow that to deter me from accepting the present opportunity of placing the initiative and referendum in the hands of the people. It is well known that there are more women in the state of Ohio than men, and if we turn the government over to women, which the adoption of equal suffrage will do, provided the women vote, then the question is whether by reason of their inexperience in legislation and by reason of their temperament they will not be incapacitated to enact legislation which is for the best interest of the whole people. If they act intelligently it is all right. I don't want to disparage them at all. I fully agree that the women of today are just as well educated along the lines they have studied as are the men, but as to matters to which they have not given attention I very seriously doubt that they will be capable of taking the reins of government into their own hands. At the present time I am very much in the frame of mind as was the clown I once heard at a show. He had a flag in his hand and was waving it and one of the ladies of the troupe came around and asked for the flag, a request that was refused. The ringmaster at once took him to task for his ungallant conduct toward the lady, whereupon the clown, with all the dignity that he could assume, raised himself to his full height and said: "Never shall it be said that I, a free born American citizen, surrendered the flag of my country to a petticoat government." I claim that I show just as much courtesy toward the women of our country as any man, but I want to tell you there is danger along that line, especially with the initiative and referendum. And I want to say this, that I don't believe I want any laws enacted which will be of the nature of merry widow and hobbleskirt and button-up-the-back character. I fully believe that the people of this great commonwealth have too much judgment to sell their birthright for a mess of pottage. Women have a sphere to fill, and I think a great majority of them do not want to engage in politics. I believe the majority of the members of this Convention fully know that women do not

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want the ballot because two or three amendments were offered and tabled while that proposal was pending. I refer especially to the one I offered, which, without expense to the state, provided for a referendum vote of the women to see whether or not they wanted the elective franchise. Under present conditions I have no fear of the initiative and referendum working any danger, but with this new thing I don't know. However, I have sufficient confidence that that will never be a part of the constitution, but I am willing to take a chance, and will support the initiative and referendum when the time comes. If it is in reasonable shape, and I suppose it will be, as there is too much good sense and judgment in the Convention to allow anything unless it is reasonable, I shall give it my enthusiastic support. I believe it will be ratified by a large majority of the people. I am not particular about percentages. I think that will adapt itself to the situation. While it is a new thing the people may want to test it and there may be a flood of propositions, but I think it will soon adjust itself to the situation and the people will be satisfied with it after we get it.

The PRESIDENT: The president would like to express his appreciation to those who, out of their turn, are willing to make their addresses when they are not expected to be on called on at this time. The gentleman from Coshocton is next on the list.

Mr. MARSHALL: Mr. President and Gentlemen of the Convention: I want to say first of all to every member of this Convention that there are two things connected with this body that at no time should be lost sight of, not for one moment — first, that we are here as servants and representatives of nearly five million people, and second, that our position thus should be treated with that degree of dignity and decorum that becomes a body of this kind.

I had not intended to say anything on the subject of the initiative and referendum, leaving it to those who are more able to discuss it, but circumstances are such at this juncture of the Convention that I deem it my duty to make a few remarks at this time, so that the members of this Convention, the people of Coshocton county and the five millions of the state may know where I stand. I want to say that I am in favor of the initiative and referendum first, last and all time, not for the purpose of destroying representative government, but for its strengthening and protection. I think representative government is the best government the world has ever known or ever will know. I will not go into any elaborate remarks at this time to show why I thus believe, but our representatives have gone astray so often that the people have been forced to resort to some means to protect themselves along all lines of right and justice. Hence, the initiative and referendum have come to the front that wrongs may be righted and like all other questions that have come into existence in the six thousand years of the world's history, this proposition has two sides or opposites which we choose for convenience to call extremes. In the county which I especially represent, Coshocton, we have these extremes, and I presume the eighty-seven other counties of the great state of Ohio have the same conditions existing. Thus, I am here for my own county between two extremes, not only between two extremes in my own county, but between two extremes of

the more than five millions comprising the great state of Ohio. I ask this Convention, in the name of all honor, what can I do, what is my honest duty, under existing circumstances? Must I swing off to one extreme, or is it my duty to stand between the two extremes? Allow me, if you please, to give an illustration. I ask you, gentlemen of the Convention, when man fell in the Garden of Eden, when man was against God and God against man, what did the God of heaven and earth do? Did he swing off to one extreme or the other? Did he send an agitator to make conditions worse? Listen, we answer no! He sent His Son into the world as a mediator to bring about a reconciliation between the two extremes, between God and man, or, in other words, between finite and infinite power. We will do well if we follow His example in our duty and deliberations as members of this Convention, ever bearing in mind that we represent one of the most dignified and august bodies of men that ever assembled as servants of the people in the state of Ohio, and that we are here, not as bosses but as servants, and that our master is the people, and that we as servants or as a mediatorial body should be peacemakers instead of agitators, firmly standing by our convictions and our conceptions of what is right, standing thus, with love for all and envy for none, manifesting that degree of wisdom that will not lead us down to defeat in the end.

Do you remember the noble General Custer who fell in the valley of the Little Big Horn with all his men because his zeal overbalanced his knowledge or better judgment? His zeal without knowledge led him not only into the valley of the Little Big Horn, but down into the valley of Death without a single man left to tell the tale of the awful massacre. Let us who believe in the initiative and referendum take warning lest we in the end meet with the same fate. I ask you, gentlemen of the Convention, what would have been the result of that wonderful battle of Gettysburg on the third day of July, 1863, if General Meade when at his headquarters in a little building, sitting with his staff in a little room while the bullets were coming so thick and fast that the very legs of the table around which they sat were shot off and the doors pierced by minnie balls, had at that critical moment forsaken his post? His name would have gone down as a hiss and a byword. I am here today as a servant of the five million people of Ohio. I have previously stated to this Convention that in the platform of principles upon which I was sent here was the declaration, among others, namely, "If I am chosen as a delegate to the Constitutional Convention, I go not to represent any man or set of men, but as the representative (please pardon the repetition) of five millions of people." Am I here today to go along with any extreme element of those I represent? In all honor to myself and those I represent let me answer in the negative. Then how can I best answer save by saying I hope to be able to represent all as best I can, and I want to say right here that I am under obligation to stand for the initiative and referendum if for no other reason that at the time I was elected as the people's representative from Coshocton county I don't believe any man in the county could or would have received five hundred votes had he opposed the measure. So I am before you today with no secrets within my breast. The people of the state of

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Ohio have a right to know and should know where and for what I stand.

After due consideration, viewing the extremes I represent, it seems to me that the greatest wisdom I can manifest at this time and the best I can do for the people I represent in the way of percentages would be to advocate eight, ten and twelve. I believe if I stand for these percentages that when I get home at the conclusion of the work of this Convention I will receive a hearty handshake from all concerned and I hope and trust not a frowning face from one. I care not to go higher and I would rather not go lower, but somewhere near these figures is where I wish to stand, and when I do I will have a conscience void of offense and, as I did on the question of woman's suffrage, I could stand alone and be well satisfied.

I take this stand because I believe it to be a safeguard to representative government, the best form of government in the world, if not abused. In regard to the single tax I want to say to this Convention that I am emphatically opposed to it. I have worked hard all my life. By hard work, long hours, honest toil and conservative living, I have a home, I will say, of my own. I know something about facing zero storms in winter; I know something about a day of labor of from twelve to sixteen hours when the thermometer stands at 90, 95 and 100, and by facing life's battles for fifty years, intermingled with those extremes, I don't think any rational man can blame me for taking a stand for the protection of my home and the homes of my constituents, and while I make this declaration I want it distinctly understood that I stand for the protection of every man's and every woman's home in the state of Ohio, whether it be inside the corporation of Columbus, Cincinnati, Cleveland or any other city or village, or whether it be outside of a corporation, but wherever that home may be, though ever so humble, I will stand for its protection. And I want to say right here to those who have been so unfortunate in their lives as not to have homes of their own that I want to be one among the members of this Convention to reach down with a hand of love and through justice and fairness help make it easier for them to secure this blessing. No difference whether he works on the farm or in the shop or in the mine, no difference where or to what department of labor he belongs, I want to help the man who takes his dinner bucket in hand, kisses his wife and babies good-bye and goes out into the world to make a living. Whatever is reasonable, just and right between man and man, I am here in this Convention to stand for; not to tear down, but to build up; not to build up one to the detriment of the other, but to build up all together; hoping that I may be able to remove to some extent the selfishness and jealousies of life, ever bearing in mind the many I represent along with their many callings and avocations, that in all the vicissitudes of life, whether humble, dignified or otherwise, they may have the strong arm of the government as protection.

It becomes me as the people's representative to take this position with all the dignity and decorum with which I should represent them, kindly submitting these few remarks by way of argument for the consideration of all concerned that you may know, that my constituents may

know, and that it may go down in history for what and for whom I stand.

Mr. BEYER: Mr. President and Gentlemen of the Convention: It has been said several times that the ground has been very well covered on this subject and it may be useless to say anything more. Still, I would like to venture a few remarks to let it be known where I stand, and also to advance a few thoughts that have not been covered as they should be.

Like another member, who has addressed the Convention, I am compelled to ask your kind indulgence on my pronunciation and grammar, and as I am speaking without any prepared manuscript I shall put these few thoughts before you in a mere aphoristic way only.

First, I want to say that I am a friend of this idea and a friend of this measure, not of yesterday but of many years. As an elected member of this body I have ever been proud of the opportunity of doing a little toward securing this measure and thereby give to the people the right to correct things and straighten them out once in a while. I was elected on an initiative and referendum platform. When I was a candidate I stated I would stand for the initiative, the referendum and the recall, under proper safeguards, and at that time I thought the best safeguard for the initiative and referendum was a high percentage only, so that they could not be used unless it was absolutely necessary. Since coming here and studying this question more thoroughly, I have changed my mind somewhat about the manner of safeguarding the measure. I do not think a high percentage is the only and best safeguard, but I think that the best safeguard is found in the second form of the initiative, the so-called "indirect initiative". I am opposed to the direct initiative, because I think it gives the people an opportunity to be too hasty, to put up things over night, in the excitement of a moment, and after a measure is once put up, there is no power in the world to stop it. It must go on through and it may become a law before we cool down and look around to see what we have done, and then it may take us several years to get it off our books.

Another reason why I am not a friend of the direct way is because it makes the legislature unnecessary and useless. Of course the legislature still would have the right to pass laws, but we really would not need the legislature any more.

Gentlemen, I am opposed to the idea of dispensing with legislative government. It is the form of the federal government and of the government of our sister states, instituted by our wise forefathers. We have done well under this form of government and it was not the fault of that form when we sometimes have gone wrong. Gentlemen, let me make a plea for the indirect initiative. Let all the laws initiated by the people run the gauntlet of the legislature before we vote on them. The legislative bodies will take the new measures under consideration, bring out their merits and defects, and every word said on the floor will go by means of the public press to every home in the state of Ohio. Every single voter can follow the proceedings day by day and watch the development. Then the voters will not have to study the law immediately before going to the polls for every word necessary to be said on it will have been said by our legislative bodies long before a vote may be

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taken. People will have read it, both sides, probably four or more sides. Every voter will know what he wants and will be well posted when he goes to vote. This plan gives the people time to cool down. Gentlemen, that is why I favor the indirect initiative. It may happen that some men would come together and think a measure is necessary for a certain county or the whole state; they go to work and initiate a law; this law will go to the legislature and when it has been properly discussed by the legislature and comes to be voted on by the people, those same men may be convinced that it wasn't worth having and may vote against their own measure.

One of the able invited speakers said here that the people who would have to vote on these matters will not read half as much in their entire lifetime as they will have to read in one year if they vote on all these measures under the initiative. This speaker is not looking at times as they are now. He is living in the age of twenty years ago. It is not true that our voters do not and can not read. Twenty years ago, I remember, out in my county, and I think the same was true in every other county in the state, the farmers and home owners and the workingmen had a weekly paper. There was hardly a daily paper read by farmers. A good many of the country people did not take any paper. A farmer would go to a neighbor once in a while to look at the market prices in his paper. But all over the state today every one takes and reads the daily papers. And he does not look only at the market reports; he does not look only at the continued story from one day to another; he reads the political news, the dry matter. He understands things today that he did not understand twenty years ago. So I believe our population will read and will be posted if they have time and opportunity to follow the legislature.

I am convinced that the convention year of 1912 has had a greater effect in an educational way on the voters and the people of the state of Ohio than any ten years before. The very fact that such matters were brought before them, the fact that they voted for delegates to be sent here to make the organic law, to help rewrite the constitution for them, forced them to take an interest in matters and look after things they had never been called on to do before. I know all of my neighbors are studying these matters now. I know the people who never read much before are now hungry for the news from Columbus and they want it of the latest date.

It was wrongly said here on this floor that "the people never can vote intelligently." They can and will learn to do so if you give them an opportunity. When I served my obligatory year in the army some of the fellows who came in could not swim. Still, every soldier in the army must be able to swim. He must be able to cross a river without a bridge if necessary. What would the officers do with such men? The instructor who teaches them to swim puts a rope on them and puts them out into the water. At first they cannot swim, but when they cannot find ground they follow the instructions, use their hands and feet and try their best and in a few weeks they do swim and then in a few weeks more they will be able to cross a river without help of a rope or of a teacher. I believe we will have the same experience in ten years from now with our voters. Put them in the

water and they will swim and not go under. It may be that some of the voters will come to the polls not knowing what is going on, and probably some of them will not vote correctly. But was there no wrongdoing at the polls before? Were not votes cast before for men who helped to make the bad laws? Still, we are living, and Ohio is a great state. Such mistakes cannot hurt long; they will be corrected as is shown in Switzerland. It was said by some of the speakers that in Switzerland, in spite of the fact that they are an intelligent people, there were many blank ballots found at the polls. They say: "That shows that some of the people there are not fit to vote; they just put in a blank." Gentlemen, this very fact shows that the people can vote, for every man if he does not know just how to vote will simply put in a blank vote so as not to spoil anything and when he goes home he is ashamed that he was not up-to-date like his neighbors and could not vote. In all probability he takes books and papers and commences to educate himself and make himself an up-to-date man, and when he goes to the polls again next year he will be posted and able to vote understandingly. I believe that the initiative will become a great "stir-up" for the education of the common people.

Another gentleman has said that if the people make the laws there will be holes found in them. That may be true. If I were to make a law I would suppose that some of our esteemed lawyers might laugh at it, and I would not be angry at them either. That is not my profession. I am a farmer. If I take a team of horses and a plow I can go out and plow a straight furrow, and I doubt if there is a lawyer on the floor who can do that.

Mr. WOODS: I can.

Mr. BEYER: Well, then, you are a farmer-lawyer. When we first assembled here I became sick, but having Dr. Stamm right at hand in the next chair I consulted him and got well. I did not prescribe the treatment myself. I went to a professional man. If I have an agreement to be written I go to a lawyer and have him write it in a legal way, and if I wanted to write a law to submit to the people I would go to a lawyer and say "Do this for me." That is his profession, to do that kind of work. If we have the initiative I don't think that any schoolboy should sit down and write a law and put it up to be voted on.

After this is adopted it will be as before. The lawyers are the lawmakers. Their name implies that. It is only the way in which we put it that is changed. They say the people cannot make the laws. Who are the people? Are the lawyers not the people, too? Are not they among the people? Haven't they their share in governmental matters and in all the doings of the people, just as we have them today? I don't see that there will be any more danger of holes in the laws made afterwards than before. Will you not admit that there have been holes in the laws that have been made heretofore?

The gentleman from Fayette [Mr. JONES] the other day stated that we have all the means to correct errors and wrongs now that we will have when the initiative is adopted; that we have the election and the power to cast our votes, and if a man goes wrong in the legislature we need not elect him again. Gentlemen, when we find

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out that he is wrong it is then too late. The man who is elected looks nice when he comes around as a candidate. We don't know him, but he sometimes turns out different afterwards, and then he makes the laws. We can defeat him when he is a candidate for a second term, but we cannot tear away the work that he has done, so the means of correcting the thing that the gentleman from Fayette [Mr. JONES] suggested, will not hold good.

Then it is, according to my opinion, very important to look after the matter of petitions, and this is a point on which there has not been enough said—the matter of gathering the names of subscribers. It was said that it would cost ten, fifteen, or twenty cents a name to get up the petitions. I am not in favor of any such plan at all, because it is not honest and clean. As soon as I smell money in political matters, even if it is in the form of wages for work, I dislike it. A voter and a citizen has not only a right to help govern his state as far as his opportunity lies, but it is also his duty to do all in his power to contribute his share to the government, not only in paying his taxes but in work, too, if it becomes necessary. And if it is felt that we ought to have such a law in the state of Ohio, and there is a certain number of men convinced that we must have it, then they should not only be able but willing to submit themselves to work to get such a law and not ask for any payment for it. I am afraid, if we circulate petitions in any such way, if we pay men according to the number of names secured we open the door for many things we do not want. The men circulating such petitions would naturally want to earn as much money as they could and therefore means that are not right and not honest may be used. We may find names on the petitions that are not in existence. The men who can spend the most money again will be the leaders. I think the petitions should be placed in some public place in the counties—the office of a notary public, for instance—and the friends of such a new measure might use the press and other fair means for agitation, so that every body who is interested will know what the petition means and where to go to sign it. That would be a better, cleaner and nobler way, and if the matter is of importance, if it is worth while, I do not think there will be any trouble; you will find signers enough.

One of the gentlemen made a suggestion here that we put a limit in the constitution as to the number of such measures that can be submitted to the people to be voted on in any one year. Gentlemen, we cannot do that. Before a man with a good law gets his petition placed before the people the ground will be covered with a lot of unnecessary and needless measures. You cannot safely make such a limitation. Opportunity should be afforded for every one who has a law and who can get the proper number of signers to the petition to have that law placed before the people. That would be the true initiative. It would manifest the true will of the people. We can have the limitation in a surer way by prohibiting the circulation of the petitions and the use of money. Many a new law will be killed right when its necessity is not felt by the people in general, owing to the lack of the required number of subscribers. A good selection can be made right at the start, and only needed measures will reach the legislature. I feel assured this would

serve as an excellent safeguard, and the initiative and referendum would not work like a perfect newspaper press, as it does now in Oregon.

The gentleman from Hamilton [Mr. PECK] suggested that constitutional amendments should not go through the legislature, but direct to a vote of the people. Gentlemen, I oppose such a method of submitting constitutional amendments. If it is necessary to put a common measure through the legislature, how much more necessary is it to discuss the important matter of constitutional amendments in that body? The most important thing is the discussion, the debate, and if it is necessary to have a debate on a common measure, how much more on a constitutional amendment! The only difference, I think, is in the higher percentage that should be required.

Now, only a word about the single tax. I am not afraid of the single tax at all. Single tax so far is a theoretical problem, cultivated by some visionary reformers and not by the masses, and if it were up to a vote today it would be defeated in such a way that it would never be thought of again. I am not afraid of the single tax in Ohio, but I am opposed to it as well as I am opposed to the classification of property, and if single tax were up here I would fight it to the very last. Yet I do not think it right to talk about single tax now in speaking of the initiative and referendum, nor is it right to put any rider on this measure. Even if the initiative would be used in the future to put single tax before the voters it will be voted down. But this term "single tax" has gone out in the country, and the farmers and the home owners are afraid of the initiative and referendum on account of the single tax. Some speakers here on the floor said "It is a bugaboo only." Let it be what it may be, it is there and we have to deal with it.

I fear they will vote the whole measure down if we don't do something to show them the single tax has never a way through initiative and referendum. For that reason only I am in favor of writing in this measure the inhibition of the single tax.

Now, just a closing word. Gentlemen, let us submit this matter to the people, but let us submit it in a clear and proper way so that all suspicion against the thing will be taken away from the voters, so that they can see it as a plain, simple, and safe measure. Then the initiative and referendum will find friends among the people.

Gentlemen, I do my work here on the floor of this Convention with one eye here on the work and the other eye out in the state of Ohio looking for the time when our work will be submitted for adoption by the people, and we should never forget that it is not worth anything to sit here and discuss all these things if they are to be voted down and defeated by the people. When this part of our work has been done here, another part is to be done at home in our counties. Let us prepare and hand over our work to the people in such a way that it will be ratified by them, that we can go home with a clean, clear conscience and tell our people what we voted for, and why we so voted. Gentlemen, these two measures will not destroy our representative government, as some speakers said. They will not destroy the good we have had so far, but they will become two proper and efficacious means of doing away with political bossism on one side, and corrupt legislation, under the influence of the money power, on the other—two proper

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and efficacious means by which we can preserve and maintain our inherited rights. I hope the indirect initiative will be carried by a great majority in this Convention. Gentlemen, I am ready to vote for the initiative and referendum.

Mr. HALFHILL: I am pleased with some of your suggestions and my questions are not hostile ones, but I would like to have you state whether or not you believe that going to a lawyer to draw a bill to initiate a law would insure putting wisdom into the bill?

Mr. BEYER: I believe so.

Mr. HALFHILL: When you go to a lawyer with your neighbor to write a contract you ask the lawyer to put in what you have agreed on?

Mr. BEYER: If my neighbor and I come to a contract and we ask you to write it, you write it just as we want it, but if I come to you and make a contract between you and me you will be careful it is right.

Mr. HALFHILL: Was not this proposal as originally reported out of this committee framed by an eminent lawyer, and doesn't it bear his name?

Mr. BEYER: If a lawyer wanted to write in something I did not want we would have some conversation about it, and we have had some here.

Mr. HALFHILL: This proposal, when it came before the house, not only had been prepared by an eminent lawyer, but it had the benefit of the combined wisdom of a caucus before it was reported here.

Mr. BEYER: I attended two sessions of that caucus myself, and I was not asked anything that I didn't think was right. I didn't promise anything I didn't think was right. My impression was that all the caucus was intended to do was to clear the situation and save time when we came together here. If it was not so, I was entirely mistaken.

Mr. HALFHILL: There have been suggested grave errors here in this bill, and they themselves have tried to correct them. We have now before us their second substitute.

Mr. BEYER: That is true, but the so-called caucus was composed not of one lawyer and one person, but it was composed of many lawyers and many people, and they were all the time differing.

Mr. HALFHILL: According to that the fewer lawyers you engage on any bill the better you would be off. Is it not a fact that you in your address have pointed out a number of things that you objected to in the substitute before the house, being the second substitute?

Mr. BEYER: I don't call those real errors, but I only I said I felt a little diffident about it, and if it is possible to change it the way to suit me I would feel better. I made no effort to change it. I only expressed my opinion on that and if it is worth while to change it this body will do it.

Mr. HALFHILL: I appreciate your feeling. Some of us would feel better if it were changed.

Mr. WINN: I understood you to say that if you were preparing a document to introduce in the legislature you would employ a lawyer?

Mr. BEYER: I said we could help ourselves with a lawyer.

Mr. WINN: You live in Hancock county?

Mr. BEYER: Yes, sir.

Mr. WINN: If you wanted to employ a lawyer for

that purpose wouldn't you be pretty careful to keep within the confines of your own county and not get over into Allen?

Mr. BEYER: I am not prepared to answer, but I have gone not only over into Allen county, but all over the state. I think I have consulted more than forty already.

Mr. BROWN, of Highland: After all don't you think, from experience and observation of many years, if you employed a lawyer to draft a bill it would be more likely to be full of holes than if you drafted it yourself?

Mr. BEYER: I don't recall saying that. I only said it might have happened that some holes were made. I did not make that positive statement. I was in the same position we were in when the woman's suffrage proposal was before the Convention. I couldn't say everything I wanted to say.

Mr. DWYER: I have a brief statement that I would like to make on the question before the Convention, if it is in order, unless there is some other gentleman who is on the list.

The PRESIDENT: Go ahead.

Mr DWYER: I want to speak briefly on the amendment of the gentleman from Ashtabula [Mr. LAMPSON], for I believe it is very important and should be incorporated into the initiative and referendum proposal if we are to save the proposal when it goes before the people on election day. I am going to discuss somewhat the single tax proposition as it will probably appear before the farmers of this state and before other people who own real estate, and therefore I am in favor of incorporating the inhibition into this initiative and referendum proposal in order to save them before the people, and what I have to say on the single tax I challenge any man inside or outside of this hall to gainsay, and I present it as a challenge on the question of single tax.

In support of the amendment offered by the member from Ashtabula [Mr. LAMPSON] it is well to consider the fact that the rural population of the United States is growing less instead of increasing. The great agricultural state of Iowa showed a loss of ten thousand in the decennial period prior to the last census, and the agricultural counties of Ohio and of other states show a falling off in population. The increase in population in the last ten years in the United States has been in the cities, which proves that consumers of farm products are increasing faster than production. The people are leaving the farms and flocking to the cities. If farming is so profitable under present conditions why are the farmers leaving the land? And does not their leaving account for high food prices; and this being true, should not every effort be made to encourage the people to go back to the land? You do not find any singletaxers among the farmers and if a single land tax is ever adopted, instead of increasing farm products the result will be the contrary. On these lines I will give an illustration of what single tax would mean if adopted.

The county of Montgomery and the city of Dayton, its county seat, are as prosperous as any other parts of Ohio, and I therefore use the city of Dayton as an illustration to show how the single tax would work.

The total valuation of lots and lands in Dayton is \$49,168,686; the total valuation of the buildings in the

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city is \$60,395,487; the total valuation of personal property is \$37,095,720, and the total valuation of all property is \$146,659,893.

The tax rate on the whole valuation of \$146,659,895 is 13.6 mills. As the value of the lots and lands is \$49,168,686, or about one-third the value of all classes of property, it is evident that under the single tax on land (if improvements upon lands and personal property are exempted from taxation) the tax on the lots and lands instead of being 13.6 mills on the dollar would be three times that amount, or about 4 cents on the dollar, a rate of taxation that would be disastrous to every land owner and most assuredly to the farmers.

Suppose three men start in life, two having \$10,000 each, the other, a poor man, with only \$2,000. One man puts his \$10,000 in a farm, on which he raises food products, the other uses his \$10,000 shaving notes and skinning his neighbors with high rates of interest on money he loans them, while the third puts his \$2,000 in a home. As the buildings on a farm generally are not worth more than one-fifth the valuation of the farm, the man owning the \$10,000 farm would be paying taxes on \$8,000, the value of the land. The poor man, assuming that the buildings on his lot are worthy fifty per cent of its value of \$2,000, would be paying taxes on \$1,000. The man who uses his money for no useful purpose in the development of the country, but uses it to skin his neighbors by high rates of interest, would pay no taxes. He could use the courts and the machinery of the state to protect his loans and to enforce their collection and yet pay not one cent to support the government which gives him protection. The case I put is not an isolated one, but would be of general application to conditions that would arise under the single tax. Let this view of the use of the initiative and referendum go abroad without the provision containing an express inhibition of the single tax, and I am convinced the whole plan will be defeated by the people. Because of this, I am in favor of the amendment of the gentleman from Ashtabula.

So I say the people of the country will not be satisfied unless that inhibition is put in the proposal, because it has gone abroad that that is the ultimate purpose of the initiative and referendum, a means to the end of bringing about the single tax. Whether that apprehension is well founded or not I do not know, but the idea has gone abroad, and I say the only way to save the initiative and referendum is to have that inhibition expressly put in with it.

Every banker in the state of Ohio will vote for the single tax, every man whose property is in personal investments will vote for the single tax and the non-property owning people in the cities will vote for the single tax, and it will make a very large vote. I think all the building and loan associations and their stockholders will vote for the single tax.

Mr. PIERCE: Would not the farmers vote for the single tax if you put the tax on the personalty instead of the land?

Mr. DWYER: Possibly they would.

Mr. PIERCE: Why incorporate the inhibition in the initiative and referendum instead of putting it into the tax proposition?

Mr. DWYER: I have given my reasons why it should go in here. When a party who may be appre-

hensive reads the initiative and referendum proposal, and at the same time reads that inhibition against the single tax, he sees he will be protected.

Mr. PIERCE: Will it be any more effective in one place than in the other?

Mr. DWYER: Possibly not, but this will bring it home to the man when he reads the initiative and referendum. He will be bound to see this.

Mr. PIERCE: Why would it not be just as sensible to inhibit socialism and polygamy as the single tax?

Mr. DWYER: Socialism applies to everybody. It does not apply to the land owner or the farmer alone, but to everybody, while the single tax applies only to the land. The land can not escape and the tax on the land down in Dayton, on the value of the land, instead of being 13 mills would be 4 cents.

Mr. PIERCE: Is it not a fact that it depends entirely on which class of property the single tax is placed on?

Mr. DWYER: It makes a difference, of course, as to whose ox is gored.

Mr. PIERCE: I am a farmer and I own land and I am not afraid of the single tax or socialism. I presume I am opposed to both as strongly as any man in the Convention, and yet I shall not vote to put that inhibition in the initiative and referendum proposal.

Mr. DWYER: That is your privilege. I am not questioning anybody's right to vote as he pleases, but I am stating the facts as they appear to me and I state facts from which there is no escape.

Mr. ANTRIM: Is it not a fact that the farmers represent only one-third of the vote of the state?

Mr. DWYER: Possibly so. I don't know as to that, but if it is so it makes the danger all the greater. If it ever comes to a vote everyone who has no investments in real estate will be for the single tax.

Mr. ANTRIM: Is it not a fact, according to the statistics, that only 10 per cent of the voters of the state are property owners?

Mr. DWYER: I can not answer it. It may be so.

Mr. ANTRIM: Then if we add 33 per cent to the 10 per cent we will have about 44 per cent of the people owning real estate, and 56 or 57 per cent of the people who do not own any real estate, and for that reason is it not wise to do everything to make it hard for us to get the single tax?

Mr. DWYER: I think so; I agree with you on that.

Mr. LAMPSON: In reply to what the gentleman from Butler [Mr. PIERCE] said, if the inhibition against the single tax is not placed in the initiative and referendum proposal, but in another proposal, and the proposals are all submitted separately, and the other proposal is defeated, is it not true that we would not have any inhibition anywhere in the constitution against the single tax?

Mr. DWYER: That is right.

Mr. LAMPSON: Also, if it were placed in the other proposal and not in the initiative and referendum, the initiative and referendum could be used to legislate the other proposal out?

Mr. DWYER: That is right.

Mr. JOHNSON, of Williams: I think it is un-American, undemocratic, and un-republican to try in this Convention to put class against class. I am tired of



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the people talking about the farmers against the city and the city against the farmers. I do not think one can get along without the other.

Mr. DWYER: That is true; they can not successfully.

Mr. JOHNSON, of Williams: If there are only 44 per cent of the people owning property, are you in favor of disfranchising those who are not owners?

Mr. DWYER: That is a matter of speculation I do not care to go into. I think every man ought to pay taxes to support the government; he needs the government and ought to be willing to help pay for it.

Mr. JOHNSON, of Williams: I am willing to leave all questions to the voters of Ohio. Are you?

Mr. DWYER: In a certain sense. You are talking about classes. The single tax would make a class and a very powerful class that would vote for the single tax. Every banker, every man who has investments in securities and not in real estate, every man who owns mortgages, and all the building and loan association people would all want to escape taxes and put the tax on the farmer. The average holding of the farmer other than his land is not more than one-fifth of what he holds, the farm constituting about four-fifths, and all would escape except the four-fifths.

Mr. LAMPSON: There is one thought that strikes me: If it is not the purpose of some organization of powerful influence back of the initiative and referendum to use them to secure the adoption of the single tax, why all this opposition to putting this inhibition here?

Mr. DWYER: I can not see any explanation.

Mr. READ: The great objection is to having any inhibition in the initiative and referendum, to limit it in any way at all.

Mr. DWYER: I do not care to say anything in answer to that. Mr. Lampson has well stated the reason why it should be here and no one has stated anything to the contrary.

Mr. READ: Do you believe the single tax would be any greater injury to the farmer than to any other people?

Mr. DWYER: I am not a theorist. I have given solid facts, and I want to know if the farmer would not have to pay all the tax under the single tax?

Mr. READ: Wouldn't the farmer have a lot of personal property too?

Mr. DWYER: How much personal property has a farmer?

Mr. READ: Horses and implements and houses.

Mr. DWYER: Well, say that he has two-fifths in personal property. The other three-fifths would have to bear all the tax, the whole burden of government.

Mr. READ: I am not defending the single tax, but you are not presenting the question fairly.

Mr. DWYER: Why?

Mr. READ: The farmer would pay less than now, because he would only pay on the value of his land.

Mr. DWYER: Who would pay the rest? You exempt all personal property and all improvements on land. Who is going to pay the rest of the taxes that must be raised?

Mr. READ: The rich fellows in the city would pay it.

Mr. LAMPSON: If the farmers' personal property

is relieved of all tax, wouldn't it be simply shifted over to the land?

Mr. DWYER: Sure. Every dollar you take from personal property is added to the land.

Mr. BROWN, of Highland: In view of the things said this morning that the farmers would pay less tax because the land only would be required to pay and that the personal property would be exempt, in the regions where the fertility of the soil has been wasted and you would only tax the value of the land, which is practically worth nothing, where would the tax come from to pay the current expenses of communities of that kind under the single tax?

Mr. DWYER: It can't come from any source but the land.

Mr. BROWN, of Highland: I understand Henry George said that kind of a community would have to get along some way.

Mr. PIERCE: Would it not be possible to raise some taxes from incomes and inheritances?

Mr. DWYER: That implies double taxation. I am speaking on the single tax proposition entirely, the single tax on land, the tax that is intended to be only on land.

Mr. PIERCE: Why not put it on personalty?

Mr. DWYER: I am talking of the general understanding of the term "single tax." It means the tax on land alone. You would exempt franchises. If you would put it on land and exempt all franchises—railroad franchises, telephone franchises and all those other valuable things—if they are exempt from taxation and the burden put entirely upon the poor farmer, the burden is there and where else could it be put?

Mr. PIERCE: I want to say if I had my way we would not exempt anything. We would have a uniform rule.

Mr. DWYER: We agree.

Mr. PIERCE: Are you in favor of the initiative and referendum?

Mr. DWYER: If you put it in proper shape. If you include the Lampson amendment and make your percentages high enough to be safe I am with you.

Mr. PIERCE: What per cent?

Mr. DWYER: I am hardly able to say. I won't be unreasonable on that point, but I want to have the other thing in it so as to guard against the apprehension of the public mind as to the single tax.

Mr. PIERCE: We have been here a week discussing this question and it has been a mooted question for a long time and you have heard everything said. If you have not been able to make up your mind as to the percentages when do you expect to be able to make it up?

Mr. DWYER: I will say to you if I had my way I would have pretty high percentages, but I am willing to make concessions. There are here one hundred and nineteen members and I am willing to make concessions to bring about a compromise with the other one hundred and eighteen gentlemen.

Mr. LONGSTRETH: Mr. President, and Gentlemen of the Convention: Before my vote is recorded on the question of the initiative and referendum, I wish to say something about where I have stood, and still stand, on the proposition. I shall refer more especially to where I stood during my campaign than now, on account of the statement made in this Convention some

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days ago that the vote on this initiative and referendum proposal would be a great revelation of broken pledges.

In voting on this or any other question which, as I view it, does not involve anything absolutely wrong, it is my purpose to consider and stand for the principles and measures that my constituency desire. Of course I don't hope to please all of them, but regardless of any preference of my own or any special friends or interests I may have, I intend that the greatest good to the greatest number of people shall determine my line of action in every case. I was made the delegate to this Convention from my county by some of the voters of every class and party in the county, and I will not knowingly deceive any of them or betray their confidence. I have reasons to believe that my people are not greatly troubled or anxious about my vote being influenced by any prejudice or pledge. I appreciate their confidence and count it one of my chief assets.

As to the initiative and referendum I think we understand each other fairly well. I made it my business to find out what the people thought about the proposition before the election last November, especially those who have done the most thinking and investigating along that line. My conclusion was and is still that the greater number had faith in the initiative and referendum being made a useful and effective measure, but the percentage of names required on petitions as suggested and adopted by the Progressive Constitutional Associations over the state—8, 10 and 12 per cent—was considered unnecessarily and dangerously low. No person or organization in my county ever asked me to sign a pledge to work and vote for the proposition just as it was stated, without amendment or change. I don't mean to have you infer, however, that I was slighted or neglected along that line, for I was given an opportunity to sign, with advice and warning from outside sources. As to the state of my own mind at that time, while I did not see any immediate or urgent need of the initiative and referendum for our state, I did think and do yet that if put in a safe shape we might get good results from them and find them useful. Under these conditions I told the progressive people that I would favor the initiative and referendum, and I told the other fellow also that I would. A good strong percentage of petitioners is surely one of the principal safeguards against the abuse of the measure and against making a nuisance of it. In two county local option elections, held in our county within three and a half years, petitions containing a number of names of electors, equal to 35 per cent of the number voting in the county at the preceding general election, were easily secured in a short time. In fact, both had more than 50 per cent of the voters, and the county is pretty evenly divided between the two factions. In each case it was evident that a number of the petitioners voted on the other side of the question at the election, demonstrating the fact that men will sign petitions for elections to please some one, or from some other motive than the desire for the result of the election, about which they may be indifferent. The time and labor required in securing signatures on a petition may be of as great value and help towards carrying through a proposition designed to find favor with the people at the polls as they

are to the individual candidate. In securing a strong petition we add strength to the measure. Since the question of the single tax amendment is sprung here in connection with the initiative and referendum proposal, I am very confident that my people by a large majority would want me to favor the amendment. In mentioning local option petitions I did not mean that I would ask for any such large per cent for the initiative and referendum proposal. I mentioned these only to show how easily petitions are raised.

The report by the gentleman from Meigs country last night would have answered my purpose better, with 80 per cent of the voters of the county secured in one day.

Mr. DONAHEY: Under Rule 31 I demand a call of the Convention.

Mr. LAMPSON: Won't the gentleman postpone that for just a second?

Mr. DONAHEY: Yes.

Mr. LAMPSON: I move that the pending business be postponed until Monday and that it preserve its position at the head of the calendar.

The motion was carried.

Mr. DONAHEY: I now demand a call of the Convention.

The PRESIDENT: Does a proper number unite in the demand?

The required number of delegates arose in their seats.

Mr. JOHNSON, of Williams: Mr. Wise asked me to say that he was unavoidably absent.

The roll was called and the following members failed to answer their names:

Anderson,	Hahn,	Nye,
Beatty, Wood,	Halfhill,	Okey,
Bowdle,	Harris, Hamilton,	Partington,
Brattain,	Harter, Huron,	Peck,
Brown, Lucas,	Harter, Stark,	Pettit,
Campbell,	Henderson,	Price,
Cody,	Hoffman,	Redington,
Cordes,	Hoskins,	Riley,
Crites,	Hursh,	Roehm,
Crosser,	Johnson, Madison,	Shaffer,
Cunningham,	Jones,	Shaw,
Davio,	Kilpatrick,	Solether,
DeFrees,	King,	Stalter,
Doty,	Kramer,	Stamm,
Dunn,	Lecte,	Stilwell,
Dwyer,	Leslie,	Stokes,
Eby,	Ludey,	Taggart,
Evans,	Malin,	Tallman,
Fackler,	Marriott,	Tetlow,
Farnsworth,	Marshall,	Watson,
Farrell,	Matthews,	Weybrecht,
FitzSimons,	Mauck,	Wise,
Fluke,	Miller, Ottawa,	Woods,
Fox,	Norris,	Worthington.

The president announced that forty-seven members had answered to their names.

Mr. STEVENS: I move that further proceedings under the call be now dispensed with.

The motion was carried.

Mr. FESS: There being no quorum I move that we adjourn.

The motion was carried and the Convention adjourned until Monday evening at seven o'clock.