

FORTY-SECOND DAY

(LEGISLATIVE DAY OF MARCH 11)

MORNING SESSION.

THURSDAY, March 21, 1912.

The Convention met pursuant to recess, was called to order by the president and opened with prayer by the Rev. F. B. Bishop of Columbus, Ohio.

The PRESIDENT: Gentlemen of the Convention: The president would ask the indulgence of the Convention to make a very brief statement in reference to the unfortunate episode of last evening.

The president is aware that the proper form of stating the result of a vote on a question to recess is "The motion seems to prevail, the motion prevails", because in that form a demand for a division may be made before the vote is finally announced. On the theory that after the vote is finally announced the Convention is recessed and no further business in order, the president did carelessly neglect to state the matter in that formal way and announced the result of the vote, and after so announcing the result heard vigorous demands for division. At that instant the president wanted to yield to those demands, but was obsessed with the idea just at the moment that the Convention was really recessed and that he could not properly open the matter up again. The mistake he made was in not having the presence of mind to realize just then that since he had neglected to give an opportunity for a demand for a division before the vote was announced, he should have waived the technicality and granted the demand after the vote was announced. The mistake came at the end of a very tense moment of a very fatiguing day and certainly it was quite natural that the blunder should have incensed those who may have felt that it was done designedly, and the president wishes to acknowledge that it was a mistake and thank the Convention for correcting him.

The member from Stark [Mr. WEYBRECHT] is now recognized.

Mr. HALFHILL: Will the gentleman yield for just a moment?

Mr. WEYBRECHT: What for?

Mr. HALFHILL: I want to make a request to be allowed to speak to the amendment of Mr. Lampson after the floor is yielded by the gentleman.

The PRESIDENT: The president will state unless there is objection, and he does not suppose there will be any, from those whose names are enrolled, the president will recognize the gentleman from Allen [Mr. HALFHILL] to speak on this matter, which is now in different shape than it was when he spoke.

Mr. DOTY: There cannot be any question. The question now is different from what it was when the member spoke, and he has his right to speak anyway.

Mr. HALFHILL: That is the way I feel about it. I feel that the matter before the house is entirely new and we desire to present such views as we have on this matter.

The PRESIDENT: The president was considering that the gentleman was requesting to be recognized—

Mr. HALFHILL: After Mr. Weybrecht has finished.

The PRESIDENT: We have been following, not always consistently, the names on the list, but the president states that he would recognize the member from Allen [Mr. HALFHILL] next if there were no objection. The question before the house is the Crosser resolution with the three pending amendments.

Mr. PETTIT: I rise to a question of personal privilege.

The PRESIDENT: Does the gentleman from Stark [Mr. WEYBRECHT] yield?

Mr. WEYBRECHT: No, sir; I will not.

Mr. PETTIT: But I rise to a question of personal privilege.

Mr. WEYBRECHT: I would prefer not to yield.

Mr. PETTIT: I want to know—

Mr. FARRELL: A point of order.

Mr. PETTIT: You are not the chairman.

Mr. FARRELL: I am making a point of order to the chair.

The PRESIDENT: The gentleman from Stark has not yielded.

Mr. PETTIT: As a matter of personal privilege I want to know if Rules 18 and 19, adopted by this Convention, have been repealed. Those rules read as follows:

Rule 18. Whenever a member is about to speak he shall rise from his seat and respectfully address himself to "Mr. President" and the president shall announce the member from the county he represents; and if there be more than one member from such county, then by adding the name of the member.

Rule 19. In all cases the member who shall first rise and address the chair, shall speak first; but when two or more members shall rise at once, the president shall name the member who is to speak.

Now, in violation of those rules, we have had a list made up and we have to go up to the president and ask whether we can speak. I insist that those rules be recognized, and that we do not have to first go up and bend the knee to be able to obtain the floor.

The PRESIDENT: The president will state that this matter of having a list has been done with reference to all the questions that have been before us by common consent. If the Convention does not approve of this matter, the chair will be glad to make any change desired.

Mr. PETTIT: I have not heard of any rules being changed by the Convention.

Mr. ANDERSON: Since this matter is up could not this be arranged? I have stated to the president and I have stated to others that I am very desirous of introducing a substitute prepared long before the Fackler substitute or the amendment by Mr. Lampson, the amendment by Mr. Miller or the amendment by Judge Peck.

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Now it seems impossible for me to get that in by reason of a pre-arranged and rehearsed program before it came on the floor of the Convention. Since the rule is as Mr. Pettit has read it, may we hope that hereafter we will not have any prearranged or rehearsed programs before we come on the floor.

Mr. FACKLER: Did the gentleman from Stark yield for this statement?

Mr. ANDERSON: Yes.

The PRESIDENT: Does the gentleman from Stark [Mr. WEYBRECHT] yield?

Mr. WEYBRECHT: No; I think you can have this discussion after I get through. I have yielded too much now.

The PRESIDENT: The gentleman from Stark will proceed.

Mr. WEYBRECHT: Mr. President: Before entering into the discussion of this question I want to say a few words personal to myself and the county which I have the honor to represent.

Possibly the people of no locality in the state hold in higher veneration the splendid structure of constitutional government, builded by the fathers of the republic, than the sons and grandsons of those who away back in the pioneer days settled on the banks of the Mahoning, the Nimishillen and the Tuscarawas. It is estimated that from 1820 to 1850 over a million people of Teutonic nativity emigrated to America. It was the era of revolution in Europe, and these people, growing tired of the arrogance of king and noble, tired of the hopeless struggle for constitutional government, found in the land of their adoption that liberty that had been denied them in the land of their birth. Here they built their homes and reared their families; here they erected their altars and buried their dead. Their strong arms and clear consciences added to the strength and character of the republic, and when the stability of the Union was threatened by armed insurrection thousands of their young men, trained to the manual of arms in the camps of Germany, and marshaled by their old-time leaders, by Shurz, by Siegel and hosts of others, helped to keep our flag among the banners of the nations.

Of such is largely the constituency which the Stark county delegation represents in this Convention, and in making this observation I would imply no disparagement to the Celt, the Scot and the English who, for the same reason and during the same period, contributed their part in the erection of this commonwealth.

In this short epitome of our history let us not forget the pathfinders, those who, fresh from the battlefields of the Revolution, suffered with Washington at Valley Forge, the men who at Concord "fired the shot heard around the world," or who at Yorktown witnessed the realization of the fond hopes of the fathers. It was of these heroes, or their immediate descendants, who, from New England, Pennsylvania, Maryland and Virginia, crossed the mountains, and in the fertile lands beyond the Beautiful River laid the foundation of an empire state. And it was here one hundred and ten years ago that these children of the Puritan and Cavalier, forgetting the prejudices of birth and religion, forgetting the animosities engendered by centuries of strife, and remembering only common sacrifices, and inspired by a common hope, wrote the first constitution for the first

state carved out of the Northwest Territory. And right here I want to say that I have no patience with the academic discussion that in the early days of this Convention seemed to attach some importance to certain provisions in the ordinance of 1787, in that the word "republican" was co-extensive and identical with the word "representative," and from this conclusion determined that any other method of legislation is incompatible with our form of government.

The supreme court of the United States, in a late decision of this very question, did not touch on the merits of this contention, but merely passed it over to the political department of the government, putting on congress and the executive the burden of determining whether a republican form of government is departed from when a state permits its voters to make some laws directly, instead of depending exclusively on the agency of a state legislature.

In my judgment those who oppose the initiative and referendum on the ground only that it is not democratic, or not republican, and that the Convention is bound by the forms of legislation of the federal constitution, cannot maintain their position. On this point Thomas Jefferson wrote:

No society can maintain a perpetual constitution, or even a perpetual law. The earth belongs to the living generation; they may manage it then and what proceeds from it as they please during their lives.

We who oppose direct legislation must find other reasons than those enumerated. Magna Charta was only one step in the breaking down of monarchical privilege in favor of other aristocrats, but as a guarantee that the great masses of the people had any rights whatever it was a delusion. Even our own declaration that said all persons are born free and equal, in less than a decade became subservient to a constitution that recognized human slavery, and when in after years this "Banquo's ghost" haunted our national councils men were found who proclaimed that this relic of the past must be maintained, because we had fundamentally recognized it as a part of our political and social system.

I have no reverence for the declarations in any document simply because they are old; no respect for the laws or customs of the past unless they are suited to the age in which we live.

"New occasions teach new duties.
Time makes ancient good uncouth;
They must upward still and onward
Who must keep abreast of truth."

On this progressive platform I desire to discuss the most retrogressive proposition introduced to this Convention, and in defining my position I prefer to classify my arguments under two general heads, which, for the sake of euphony, I will designate as the "Quick and the Dead."

My "Dead" argument is the lesson of history, the story of the initiative and referendum, and its part in the overthrow of the republics of antiquity, of the fathers of our federal constitution, who read aright these pages of the past, and in guiding the ship of state avoided the dangers

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of a pure democracy and of an absolute monarchy, the Scylla and Charybdis, on which governments so organized have been engulfed in the waves of despotism.

"My "Quick" argument is the lesson of today, the story of the initiative and referendum in the Golden West, of the modern St. Simon preaching the gospel of political regeneration, and concurrent with this movement, and maybe to some extent because of it, there is a marked growth in economic socialism and philosophic anarchism, doctrines as old as human discontent.

When Solon, the wise lawgiver, was alive Athenian society was divided into four classes. This distinction was made in accordance with their income, their financial ability to own and maintain a horse, etc. As usual the fourth class was the most numerous, and included those who earned their living by manual labor—artisans, mechanics and day laborers. But such was the high idea of Athenian justice that in all matters pertaining to the welfare of the state all classes were equal, and in the great meeting place called the ecclesia every citizen of Athens, through the referendum, could by direct vote designate his choice of officials, distribution of offices, lawsuits, financial transactions, peace or war. If the text of a law was obscure, or the judge in doubt, the matter went to the ecclesia for solution. Every case in the different courts of the republic was appealable to this assembly. I imagine that my friend from Cuyahoga [Mr. CROSSER] would designate such a system as the ne plus ultra of governmental wisdom, and yet what happened? The Athenians, cultured and intelligent as they were, soon lost sight of the finer sense of justice and equality; and the landed class, as in every age since, sought to divide the masses. The fourth estate coveted the wealth of the few; human passions broke loose in the assembly, and anger and tumult prevented wise decisions.

To stem the tide of evil and secure deliberation Solon instituted the senate. This body numbered four hundred, made up of one hundred men chosen from each class of citizens. The Athenian senate was perhaps the choicest body of representatives ever assembled in the history of the world. No debauchee, no man who had ever dishonored his father, no man who had ever been drunk, even a single time, would be elected senator. Think what would happen if such tests were applied to our American legislatures!

Every matter upon which the people could be called to vote went before the senate and was carefully considered; nothing that not been previously debated by the senate could be brought before the people, to whom the final decision was reserved.

And in this final referendum what happened? Aristotle tells us that sophists perverted the art of oratory; brilliant demagogues, paid by the landed proprietors, entranced the listening multitudes. A Demosthenes in the forum outweighed a hundred senates. History informs us that when Solon returned to Athens an old man his eyes looked with sorrow upon the last phases of his "pure democracy." A dictator had entrenched himself in the citadel. Then the scales fell from the eyes of the people, but too late. Vox populi, the democracy of the multitude, had done its work, and Athenian liberty was lost, and lost through the very means that had been instituted to save that liberty.

Those who favor the initiative and referendum may

say that any comparison with the republics of antiquity and our American commonwealth is inconclusive and farfetched, and yet the historical fact, nowadays forgotten, nevertheless remains absolutely true that in the federal convention of 1787 our forefathers chose between the absolutism of a highly centralized government—or of a monarchy—on the one hand, and a fantastic government and the rule of the multitude on the other hand, and therefore the founders of our country planted themselves on the principle of legislation by representatives, elected for that purpose, as the foundation of our institutions.

I find the following concrete statement in Elliott's Debates, Vol. 2, page 198:

The history of man clearly shows that it is dangerous to entrust the supreme power in the hands of one man. The same source of knowledge proved that it is not only inconvenient, but dangerous to liberty, for the people of a large community to attempt to exercise in person the supreme authority. Hence, arises the necessity that the people should act by their representatives, but this method, so necessary for civil liberty, is an improvement of modern times.

In number 10 of the Federalist, together with Hamilton and others of our forefathers, Madison points clearly to the evils and dangers of government directly by the people.

In connection with a pure democracy he states as follows:

A common passion or interest, will, in almost every case be felt by a majority of the whole, a communication and concert result from the form of government itself, and there is nothing to check the inducement to sacrifice the weaker party or an obnoxious individual; hence it is that such democracies have ever been spectacles of turbulence and contentions; have ever been found incompatible with personal security or the rights of property, and have been in general as short in their lives as they have been violent in their deaths. Theoretic politicians who have patronized these species of government have supposed that by reducing mankind to a perfect equality in their political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions and their passions. A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy and we shall comprehend both the nature of the cure and the efficacy which it must derive from the union.

In ex parte Anderson, 134 Cal. 74, Justice Van Dyke said:

The terms employed in framing a constitution or in the enactment of laws by the legislature are to be construed as they were generally understood at the time. Our system of government is not that of a pure democracy, but it is a representa-

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tive republican. This holds throughout from the smaller subdivision, such as cities and towns, out through counties and states to the federated or national government. The people in their individual capacity do not make or enforce laws to govern them, but they delegate the power to their agents to make laws and also to construe and enforce them.

Believing, as I do, that direct legislation is opposed to any form of government as made by our forefathers, but recognizing the right of the people after mature deliberation to change not only the form, but the substance of any enactment in the orderly manner provided for in all constitutions, I want to call your attention to the decision of Chief Justice Booth in the case of Rice against Foster, 4 Harrington (Delaware), p. 479, and quote the following thoughtful, logical and conclusive language on this subject:

The powers of government in the United States are derived from the people, who are the origin and source of sovereign authority. The framers of the constitution of the United States, and of the first constitution of this state were men of wisdom, experience, disinterested patriotism, and versed in the science of government. They had been taught by the lessons of history, that equal and indeed greater dangers resulted from a pure democracy, than an absolute monarchy. Each leads to despotism. Whenever the power of making laws, which is the supreme power in a state, has been exercised directly by the people under any system of polity, and not by representation, civil liberty has been overthrown. Popular rights and universal suffrage, the favorite theme of every demagogue, afford, without constitutional control or a restraining power, no security to the rights of individuals, or to the permanent peace and safety of society. In every government founded on popular will, the people, although intending to do right, are the subject of impulse and passion; and have been betrayed into acts of folly, rashness and enormity, by the flattery, deception, and influence of demagogues. A triumphant majority oppresses the minority; each contending faction, when it obtains the supremacy, tramples on the rights of the weaker; the great aim and objects of civil government are prostrated amidst tumult, violence and anarchy; and those pretended patriots, abounding in all ages, who commence their political career as the disinterested friends of the people, terminate by becoming their tyrants and oppressors. History attests the fact, that excesses of deeper atrocity have been committed by a vindictive dominant party, acting in the name of the people, than by any single despot. In modern times, the scenes of bloodshed and horror enacted by the democracy of revolutionary France, in the days of her short-lived, misnamed republic, shocked the friends of rational liberty throughout the civilized world. There, in the midst of the most refined and polished nation of Europe, the guillotine dispensed with the forms of law as unmeaning pageants; and under the capricious

mandates of popular frenzy, running wild in pursuit of the phantom of a false, licentious liberty, "suspicion filled their prisons, and massacre was their gaol delivery."

In the convention of 1787, which formed the constitution of the United States, the spirit of insubordination, and the tendency to a democracy in many parts of our country, were viewed as unfavorable auguries in regard both to the adoption of the constitution and its perpetuity. The members most tenacious of republicanism were as loud as any in declaiming against the vices of democracy. Mr. Gerry, of Massachusetts, the friend and associate of Mr. Jefferson, thought it "the worst of all political evils." The necessity of guarding against its tendencies, in order to attain stability and permanency in our government, was acknowledged by all. Even the propriety of electing by an immediate vote of the people the first branch of the national legislature was seriously questioned by some of the ablest members and warmest advocates of a republican form of government. * * * In the debates on the federal constitution in the Virginia convention, Mr. Madison, always the advocate of popular rights, subject to the wholesome restraints of law, remarked, "that turbulence, violence, and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions; and that these in republics, more frequently than any other cause, have produced despotism." "If," he observes, "we go over the whole history of ancient and modern republics, we shall find their destruction to have generally resulted from those causes. If we consider the peculiar situation of the United States, and go to the sources of that diversity of sentiment which pervades its inhabitants, we shall find great danger to fear that the same causes may terminate here, in the same fatal effects which they produced in those republics." To guard against these dangers and the evil tendencies of a democracy, our republican government was instituted by the consent of the people. The characteristic which distinguished it from the miscalled republics of ancient and modern times, is that none of the powers of sovereignty are exercised by the people; but all of them by separate, co-ordinate branches of government in whom those powers are vested by the constitution. These co-ordinate branches are intended to operate as balances, checks and restraints, not only upon each other, but upon the people themselves; to guard them against their own rashness, precipitancy and misguided zeal; and to protect the minority against the injustice of the majority.

The foregoing opinions and expressions show quite clearly the deep thought and earnest consideration given the subject, both at the time of the formation of our government and of our various state constitutions, and on later occasions. The difference between a republican and democratic form of government was very carefully gone into, and it was then determined, and it is as true

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today as it was then, that a government by the people directly is the attribute of a pure democracy. In the principle of representation introduced into a democratic form of government lies our republican form of government. Under the shield of that type of government our forefathers laid the foundation stones of our great republic. Under that type of government our institutions have flourished, the political and property rights of every one of our citizens have been protected and safeguarded, the constitution always standing as the bulwark of the rights and liberties of the nation.

Before closing this line of argument I want to place in the record of this debate the testimony of one to whom at least a majority of this Convention should pay due reverence. Wherever throughout the broad domain of earth representative democracy has supplanted that superstition of the past — "The divinity that makes a king" — the name of Thomas Jefferson is honored and revered.

And notwithstanding the fact that many of his pretended followers are seeking today political Utopias, where the wicked politicians cease from troubling and the weary voters do all the work, we who do homage to his fame cannot, without protest, embrace those theories of government which he himself discarded as impracticable, dangerous and subservient to the welfare of what he named a representative democracy.

In a letter written to John Adams in 1816, in answer to a letter in which Adams declared that if more were known of Aristotle's Athenian democracy the framers of our constitution might have made it a model for our own government, Jefferson wrote:

We have lost nothing by our limited knowledge of Aristotle. I am convinced that a pure democracy, in which the people directly exercise their sovereignty, is impracticable in a country such as ours. The recent happenings in France in which an orderly states-general was overwhelmed by the rabble, and deliberation gave way to the horrors of the Revolution, has sustained me in the belief that we were wise in adopting a representative system. With us the people are the source of all political power, yet they have placed limitations on their own sovereignty.

This is the man whom Hamilton denounced as a follower of Rousseau and Voltaire.

The name of another has been invoked frequently by the noted orators who have favored this Convention with their presence. I refer to him who more than any American is deserving of the gratitude of his countrymen — Abraham Lincoln, and to connect his name now as an advocate of any other theory of government is almost a sacrilege. I have read everything that has ever been published as his public utterances, and I have failed to find one word that can even be questioned as doubtful in his allegiance to our representative system. From his debate with Douglas in 1858 until his second inaugural in 1865, every line, every word, is a plea for the preservation of the government of the fathers. And why should he not favor this system? The legislature and governor of every northern state, the national congress, and hundreds of municipalities, through their represen-

tatives, sustained him and held up his hands during those four long years of woe and anguish.

Would it be a reflection on the people in these states to say that it is questioned if en masse they would have done the same? The fact, nevertheless, remains that if early in 1863, a referendum vote of the people in the northern states had been held on an endorsement of his war policy, their judgment would have been recorded against it.

The mouth of the demagogue in these days is full of phrases about the rights of the common people. He is sure that the masses of the people are downtrodden, and that we should have a return to the good old days, when everybody was on an equality, and the rich and powerful could not take advantage of the humble citizen. It is assumed that popular rights have been lost, and that some time, or somewhere, every one had a part in law-making.

Men who make these statements forget that nowhere on God's green footstool — and I do not except Belgium or Holland — are there fewer cases per capita of pauperism than right here in these United States. We exceed France, the richest nation in Europe, in actual material wealth. No where are the masses better clothed, better fed, or better housed, than here; no where on earth do the electorate enjoy greater political power or exert more individual influence upon public affairs, than here; no where are opportunities broader, the conscience freer, or the spirit of progress more militant, than under our flag.

But, they say, our legislatures are corrupt, our officials venal, and our judges partial to corporate influence. To hear these Cassandras bewail the woes of our land one would imagine that the episode in the Garden of Eden, mentioned by the gentleman from Coshocton, had only occurred yesterday.

I venture to say that complaints against the inequalities of wealth, and criticism of courts and public officials for partiality or venality, are made in every civilized country, and in every period of the world's history. I believe that the public men of our times are not a whit worse than those of earlier days, and I am satisfied that instead of growing worse the world is growing better. Seventy-five years ago Tennyson wrote:

"Through the ages one increasing purpose runs
And the thoughts of men are widened with the process of the
suns."

I think that is true. To pillory our national congress and our state legislatures because an infinitesimal number, in comparison with the number of men who have served, have proved unworthy of confidence is a test that you dare not apply to the every day affairs of life. Can you, who are members of fraternal societies, where the ties of a common brotherhood bind men closer than ordinary friendship — can you say less? Are your churches, where men's hearts are searched and their faith strengthened, proof against the frailties of our poor humanity, and, thinking of this, will not your mind revert back nineteen centuries to that twilight scene in the Garden of Gethsemane where the Master was betrayed by one of the anointed?

When the Augean stables, the counting room, the market place and the factory are cleaned and purified, then

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look for probity in the forum. Do not imagine that the composite citizen in any legislative scheme that can be devised by the wit of man will be any stronger or any wiser than the ordinary citizen who goes to the polls and votes for men instead of measures.

And who is this composite citizen? This new evangel of the rights of the common people? But let the greatest living exponent of the initiative and referendum, Senator Bourne, of Oregon, answer in these words:

The composite citizen is made up of millions of individuals, each dominated in most cases by selfish interest, but because of the difference in the personal equations of the individual units making up the composite citizen there is a corresponding difference in the interest dominating said units.

This sounds like a demonstration in Euclid, but let me proceed. He says further:

The people can be trusted; the composite citizen knows more and acts from higher motives than any single individual, however great, experienced or well developed. While selfishness is usually dominant in the individual, it is minimized in the composite citizen.

The speech from which this extract was taken was delivered in the United States senate in defense of the direct initiative, then as now in vogue in Oregon. It emphasizes the individual fallibility of the average man, which I concede, but when it attempts to establish a superior virtue in mere numbers, I dissent. Senator Sutherland, in answer, said he could see possibilities in a combination of ten average men—three foolish men, two rascals, and five wise men—where the better citizenship even though in the minority, might, through ordinary forms on legislative procedure, convince the foolish citizen of his error, but how a plebiscite by the same number and class of citizens, without opportunity of conference, deliberation, or debate, is going to raise the standard of our electorate higher than the individual participant, he was unable to understand.

While I believe that selfishness and self-interest are largely individual traits, I am convinced that it can and does assert itself in masses; and in support of this statement I have only to refer you to an incident, which now, perhaps, is only a memory, in the fantastic but progressive history of legislative procedure, which for the past ten years has been legalized in the state of Oregon.

I hold in my hand a copy of the ballot used in the state of Oregon in the year 1910. It contains the names of one hundred and forty-two candidates for office, and thirty-two separate propositions submitted to the people for adoption, ranging from what we would regard in Ohio as simple police regulations, up to a constitutional amendment reforming the judicial system of the state. There is not much humor in this ballot, because some one has said that "Brevity is the soul of wit." As "A thing of beauty and a joy forever," however, I am going to turn it over to my friend from Cuyahoga [Mr. FACKLER] at the close of this debate for deposit in his museum of

Inquisitorial Election Methods of the Stone Age. This exhibit will be designated as an instrument of torture used before the advent of the short ballot.

The year before this ballot was used, the election in 1908, one about the same size was voted in Oregon, containing eighteen or nineteen legislative and constitutional measures. Among the legislative proposals were two which were of vital importance, as they dealt with the leading industry of the state—the great salmon fisheries along the Columbia river.

It appears that two methods of fishing are in vogue. In the lower part of the river fishing is carried on by means of nets, and in the swift currents of the upper streams by means of fish wheels. Both methods give employment to a large number of people, and naturally, as their interests were antagonistic, a feeling of antipathy existed between the adherents of both modes. This antagonism found vent in 1908, through the initiative, when the net fishermen proposed a law prohibiting fishing by wheels. Then the wheel fishermen got busy and proposed a law prohibiting the taking of fish by nets. In the referendum vote that year the composite citizenship of Oregon adopted both laws by good, round majorities, with the result that thereby the taking of salmon by any effective method was prohibited.

In citing this incident I have no desire to question the good judgment of the people of Oregon in adopting both laws. I wish only to combat the impression that men acting inorganically in masses possess finer distinctions of right and wrong than as individuals. The call of selfishness is no respecter of either Senator Bourne's individual unit or his composite citizen when acting under similar circumstances, especially when initiating a petition to do the other fellow. The law of the timber wolf is to devour, whether they run in pairs or packs.

It was urged by the gentleman from Noble [Mr. OKEY] that the decision of the people of Oregon on these fisheries laws is the strongest argument in favor of the initiative and referendum that has so far been adduced since the operation of the plan in that state, in that the people, with discriminating judgment, rebuked both classes of fishermen who would devour each other. But this is only a sentiment; no practical results followed the decision. A great industry was paralyzed; the income, amounting to millions annually, ceased, until a year ago when a bill was introduced into that "dear old legislature" of the state of Oregon, and a law enacted permitting limited fishing under both methods.

Is there any doubt in the mind of a single member of this Convention as to where both propositions should have been submitted? Is there any doubt among the experienced legislators of this Convention as to the wisdom of the decision of the composite citizen of the state of Oregon or the final disposition of this question by her chosen representatives?

In this connection I desire to submit a letter I received from an old high school instructor, a native of Stark county and for the last twenty-five years a resident of the city of Portland. This letter was written in answer to my inquiry as to the operations of the initiative and referendum in Oregon:

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"Portland, Oregon, February 21, 1912.

Hon. B. F. Weybrecht, Columbus, Ohio.

My dear Mr. Weybrecht: Your inquiry as to the initiative and referendum at hand. The Oregon system has its admirers, particularly those who could never have secured a majority vote to save their lives. As to the referendum it is not abused so much as was feared. As a rule those measures are inspected pretty thoroughly, have passed through the hands of committees to begin with, have been put in legal form and are fought out on some important principle. Now and then spite work lies at the bottom of the fight, and we must settle some issues that the parties would not have brought to an issue if the attacking party had been compromised with by the parties most interested. Of course bloodmoney will at times be sought and costly delays occur in spite of all safeguards. It may be a debatable question if good can be made to offset all the mischief of its abuse. As to the initiative, as a free lance without a check it is an unmitigated nuisance. It is very expensive, is a premium on ignorance and is used to supply fuel to the presumed majority against the supposed favored class. Open the door and it will be used every time to destroy values of property. On every street corner anarchy will cry out to incite the shiftless to assail the man of means. There are enough socialists in Oregon to keep us voting for all time if none other signed petitions. We have no safeguard to prevent the most ridiculous attempts at legislation. The most illiterate can put forward a proposed law unconstitutional in matter and defective in form; it passes no committees, is not subject to review by an authorized critic, and no authority exists to correct or modify its defects. All that can be done is to vote yes or no, and abide the consequences. Ten per cent can pass a law or amend our constitution if more do not vote against it. Once enacted the legislature is forbidden to modify or repeal.

I enclose a sample ballot of 1910 which is very similar to the one we had in 1908. Already about forty issues confront us for this fall's election with a chance of more. Hon. George H. Williams, who was attorney general under President Grant, was a leader in adopting the experiment in Oregon. Before his death he expressed his regret of the abuse of the initiative, admitted his disappointment, and with other of its advocates admitted that there must be some limit planned or disrepute is inevitable.

In answer to a similar letter of inquiry I received the following from a friend in Los Angeles: Initiative, referendum and recall, including judiciary, adopted October 10, 1911, as constitutional amendments; there has been no test of measures as state-wide direct legislation, but they had hardly been adopted until an initiative was proposed to disfranchise women, and it has been liberally signed in the region of San Francisco; also another has been started to repeal all poll taxes; a third, to impose single-tax option in

municipalities, is embryotic; although the special session succeeding the adoption of the amendments passed many bills, no attempt at referendum has been made, though there was some talk of invoking it on the apportionment measure, which displeased the San Francisco region. This measure will become effective March 28, by reason of the expiration of the ninety-day period fixed by referendum amendment.

No discussion of any recall so far.

Suffrage amendment, passed October 10, permitted women to vote at important Los Angeles municipal election December 5; 65,000 women voted, a large majority against socialist ticket.

Los Angeles has had initiative, referendum and recall since 1902, and non-partisan nominations since 1909.

Initiative and referendum have been invoked frequently since 1908, and have cost the city over \$200,000 in election expenses alone. Initiative used by groups that want to fasten hobbies in charter, such as public utility regulation and municipal newspapers; referendum used by many interrupt wholesome legislation, especially by corporations.

I am attaching copy of amendments voted on October 10, last, which is more informing than sample ballot, which merely stated the question of each amendment, in some cases unintelligently, for the purpose of the inquirer.

It might be said of all progressive legislation, and it has been abundant in the past year in California, that nearly every law includes new offices to be filled by the governor, and many old offices, which were elective, have been made appointive by him; there has been a concentration of control of officialdom in executive, all tending more surely than before to establish one-man governmental and political power.

Also another from a municipal officer of the city of Los Angeles:

Hon. B. F. Weybrecht, Columbus, Ohio.

In response to your favor of the 17th inst., I hereby enclose some data on the question of initiative and referendum and recall which I trust may be of benefit to you.

Personally, I am not converted to the adoption of the "triplets" in any constitution. My observations have been that this radical departure from our original constitution has had a tendency to encourage socialism and unrest. The primary object, as I understand it, is to get the government to the people, but it seems to me that we got along better before these fads were given recognition. We elect officers to make laws and hold them responsible. Our experience has been since the adoption of the initiative, referendum and recall, that we have held many elections at tremendous cost that should have been settled by the body elected for that exact purpose. We have had referendum on such things as dice shaking at cigar stands, milk inspection, public utilities and what-not, all of which should be determined by

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the officials elected for that purpose. I do not disparage the intelligence of the average voter, but I contend that but a small percentage take interest to investigate, and many amendments have passed with a small vote cast and the general voting public uninterested. With the regular elections, bond elections and the referendum we have had many elections, sometimes one a month for several months consecutively, most of them with little interest taken and the general public hardly knowing an election is being held. In short, laws cannot become operative if an element is opposed to the enactment to the extent of securing sufficient signatures of bona fide voters—an easy matter—demanding that the question be submitted to a vote of the people, either by special election or at the next general election.

Opinions differ, of course, as to the initiative, referendum and recall, the insurgents upholding the principle because a legislature of their brand forced the issue, but I firmly believe the people in general are getting tired of the continual agitation because of these.

I think the people are disgusted with the criminal petition-circulating stunt, as it is a rare day when something of this kind is not in the air. Believe me, we have professional petition-circulating agencies that make it a business to secure numbers of signatures. Just completed one to submit the inspection of the books of the Street Railway Company to vote of the people. An ordinance recommended by the board of public utilities, passed by the city council and signed by the mayor could not become effective because of the referendum. Nobody knows who caused the petition to be circulated; presumed to be the railroad companies. Now the question goes over until the next general election.

In closing, I desire to impress upon you, my fellow members, this thought, which to me, as I grow older, is a conviction, that much as we may differ as Americans on questions of public policy, I am willing to believe in the rectitude and sincerity of purpose of those who differ with me. Without this tolerance McCauley's pessimistic prediction that American institutions would wither from the center rather than from the circumference will be verified.

To you and to me this proposal, fundamental in its scope and drastic in its operation, may spell in fewer letters than are required in its title the weal or woe of those things which we both adore.

If you who favor this proposal see naught but good, than you are dowered with prophetic ken that to me is denied; if you are right, then in daytime you see conditions and at night time you hear voices which I cannot see or hear.

But admitting all you claim is true, that corruption is in our halls, venality is on the bench, and the greed of gain has produced economic conditions that are unbearable, are you still justified in entering this wedge which, if driven home, means the end of representative government? If ills we have, are they of greater moment than those we have met and solved by the method which you now condemn?

Representative government and the common law have come down to us, hand in hand, from Saxon ancestors; both in their evolutionary processes have met every condition, through stress and storm, in sunshine and shadow. They have guided a chosen people from a semi-barbarism until today we are the dominant factors in the affairs of this world; and now you would suggest by this proposal that these elemental principles, which are the garnered wisdom of centuries, must be surrendered to the caprice of an hour.

Mr. EVANS: I find in the constitution of Oregon, of which you speak, this provision, in section 36 of the bill of rights, or perhaps the bill of wrongs:

No free negro or mulatto, not residing in this state at the time of the adoption of this constitution shall come to reside in or be within this state or hold any real estate, or make any contracts, or maintain any suits therein, and the legislative assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual exclusion from the state, and for the punishment of persons who shall bring them into the state and employ them and harbor them.

Does the gentleman know of any attempt by the initiative and referendum to take that clause out of the constitution of Oregon since they have had the initiative and referendum?

Mr. WEYBRECHT: I have not heard of any.

Mr. EVANS: Here is another one:

No Chinaman, not a resident of the state at the time of the adoption of this constitution, shall ever own any real estate or mining claim or work any mining claim therein.

Do you know of any effort to remove that from the constitution of Oregon through the initiative and referendum?

Mr. WEYBRECHT: I do not.

Mr. TETLOW: You will admit, Mr. Weybrecht, that they have had an opportunity to change that condition in Oregon, if the people so desired?

Mr. WEYBRECHT: Certainly.

The PRESIDENT: The member from Washington is next on the list. The Convention heard what was stated with reference to hearing the member from Allen. Does the member from Allen [Mr. HALFHILL] now desire to be heard?

Mr. HALFHILL: I only want to speak briefly on the amendment of Mr. Lampson, but I don't want to exclude the member from Washington.

The PRESIDENT: Does the member from Washington yield?

Mr. RILEY: I am willing to yield until the recess.

The PRESIDENT: The member from Washington yields, and the member from Allen will be heard.

Mr. HOSKINS: Will the gentleman from Allen [Mr. HALFHILL] yield?

Mr. HALFHILL: Yes.

Mr. HOSKINS: I would like to make a suggestion at this time without any consultation. I think we have

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reached the time when we should limit debate on this proposal to fifteen minutes to the speaker.

MANY DELEGATES: No.

Mr. ELSON: May I make an amendment that if any gentleman has a written speech that he just be permitted to publish it?

MANY DELEGATES: No.

The PRESIDENT: Does the member from Auglaize [Mr. HOSKINS] desire to make a motion?

Mr. HOSKINS: I do not want to be arbitrary, but I want to test the Convention on the matter, and I move that speeches hereafter be limited to fifteen minutes.

Mr. RILEY: I yielded to Mr. Halfhill —

Mr. HOSKINS: Yes, that is right. I will except the member from Allen [Mr. HALFHILL] and the member from Washington [Mr. RILEY.]

Mr. RILEY: I do not think this is just to the members. Many of the speakers heretofore have consumed three hours, and now there is an attempt to limit or cut off debate from those who have just as much right to speak as anybody else. If such a rule is proposed it should be put in effect at the beginning of the debate on any proposal.

Mr. ANDERSON: I inquire for the purpose of making a point of order who has the floor?

The PRESIDENT: The member from Auglaize [Mr. HOSKINS].

Mr. HOSKINS: If there is serious objection I do not insist, but it does seem to me that there should be a limitation on the debate. I think members are occupying more time than they should, but if there is serious objection I shall ask permission to withdraw my motion.

Consent was given and the motion was withdrawn, and the gentleman from Allen [Mr. HALFHILL] was recognized.

Mr. HALFFHILL: Mr. President: I am very glad that motion was withdrawn, for I should feel unwilling to occupy the floor at this time if such a motion had prevailed.

I believe that it is incumbent upon the two members who presented the two amendments at the opening of this discussion, to take advantage of the rift in the clouds to at least get our bearings in this debate. The amendment that was presented by me was in effect to establish only the indirect initiative, safeguarded by a percentage of ten upon a proposed law and fifteen upon a proposed constitutional amendment with nothing said in that particular amendment about the percentage that should govern the referendum. I thought that was in line with the position I had taken during the campaign preceding our election to this Convention and that it was possible to frame an initiative provision in our fundamental law and make it an aid to representative government. Closely following upon the offering of that amendment was one by the member from Ashtabula [Mr. LAMPSON], which in effect provided that this particular feature of the fundamental law should not be used to establish in Ohio the single tax upon land or ground rent — in other words, a land tax — and that amendment I considered of much more importance than the one I offered, but by reason of the familiarity of the gentleman from Ashtabula [Mr. LAMPSON] with that subject, I knew he could perhaps offer it better than any member of this body, and certainly could present cogent argument to show

why it should receive the serious consideration of the Convention. After we had used up one week of time in discussion there was offered a substitute for the entire proposal by the member from Crawford [Mr. MILLER], and after using a great deal of additional time in discussing that, it seemed to the author of the substitute [Mr. MILLER], that the entire proposition, including his first substitute, had been so damaged by reasons of defects pointed out, that another substitute should be offered, and late yesterday afternoon he asked the consent of the Convention to lay upon the table his own substitute, his old child, and also to lay upon the table the amendment which was offered by myself for the indirect initiative, fixing a safe basis of per cent, and also the amendment offered by the gentleman from Ashtabula [Mr. LAMPSON]. At that particular time, knowing the danger of not having some reservation, the member from Ashtabula [Mr. LAMPSON] did reserve that right before the Convention here, and it was agreed to, that those two important amendments offered by him and myself should receive separate consideration. The parliamentary difficulty we had last night in carrying out that agreement need not be further discussed, but the amendment offered finally, by force of sheer strength of the Convention in overruling the president, was placed upon the journal and it is here for your consideration; and not having had any opportunity to address myself to that amendment, I want now to give you the view I have of the scope and intent of this very important amendment as it affects this proposal to change our fundamental law.

Here it is in the form in which it appeared last night after the vote was taken which tabled the amendment, basely labeled a single-tax amendment, and which vote permitted this to come upon the journal:

The powers defined herein as "the initiative" and "the referendum" shall never be used to amend or repeal any other provisions of this paragraph, or to enact a law, or adopt an amendment to the constitution, authorizing a levy of the single tax on land or taxing land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon, to personal property or to the bonds of corporations other than municipal.

One reason why I am anxious to state my position at this time relative to the scope and effect of that amendment is that you may understand that the member who introduced it and myself and others here, feel the importance and the need of this safeguard in the fundamental law, and because gentlemen who stand high in the respect and esteem of this Convention have whistled it down the wind and said it was a "bugaboo" brought in here for the purpose of embarrassing a proper consideration of the initiative and referendum.

Our esteemed member from Hamilton [Mr. PECK] disclaimed any knowledge of any attempt being made in the state of Ohio to in any way advance the idea of the single tax. He disclaimed any knowledge of any propaganda to that effect, and put us in a position practically of questioning the motives that we had for introducing this, saying in effect that we are not in good

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faith, but that it is meant to embarrass a proper consideration of this proposal. It ought to be known to everybody, especially to the distinguished gentleman from Cincinnati [Mr. PECK] that right in his own town, in the Commercial Tribune Building, for a number of years has been maintained headquarters for the publication and distribution of single-tax literature, sent free wherever it will be received, and from which emanates the contracts for paid advertisements and from which go forth the tireless efforts of those crusaders who believe in the theory of Henry George, and all of this is right in the home city of the distinguished gentleman from Hamilton county [Mr. PECK].

Now I want the Convention to understand that every singletaxer bases his argument and gets his inspiration and information from the works and doctrines of Henry George. Every singletaxer in this Convention relies upon Henry George, at least as outlining the philosophy which is worthy of his highest consideration and admiration.

It is true that there are different classes of singletaxers, but the book, the catechism, the Bible of the singletaxers is the work of Henry George, called "Progress and Poverty," and I want this Convention to understand the view of this just as I traced it in support of the proposition against the establishment of the single tax when I appeared before the standing committee on Taxation.

It is well known, and you only have to refer to the published report of the Single Tax Conference held in New York city on the 19th and 20th of November, 1910, that each and every one of the distinguished gentlemen there present recommended urgent effort for the adoption of the initiative and referendum in every state where the work was already undertaken, and said that by no other means could there be any open door which would admit of the establishing of the single tax. It is not worth while to take up the time of the Convention or burden the record to read to any great extent upon that point, but I desire at least to show to some of you who may have been misled by the statements that there are no efforts in Ohio on behalf of this propaganda, and I desire to show from this record that there is and has been in the state of Ohio such a propaganda and the money of the Joseph Fels Fund has been spent in the state of Ohio for that purpose and is being spent now for that purpose.

Here is the itemized report of the officers summed up in which they gathered together the result of a year's work. They say:

The commission has expended \$19,089.93 for land value tax in Oregon, Missouri and Rhode Island, and \$5,331.07 in the effort to put the initiative and referendum into state constitutions that the people may have the power and opportunity to initiate and vote upon the question of taxation independently of the wishes and prejudices of legislators controlled by special privilege. The only large amount of money spent in any state for the initiative and referendum was \$3,289.17, used in Ohio in 1909, with barren results as far as legislative action was concerned.

That was three years ago and this was the report of what had transpired and what money had been expended in the state of Ohio in the year of 1909.

What does every member of this Convention, when you read the report, say? All the distinguished magazine writers that you read after in the popular magazines today, those gentlemen who write the muck-raking articles, and damn the courts, and damn the legislatures, and damn the system of representative government, they were all present and you ought to read these proceedings and find out what they have to say. Here is what W. S. U'Ren says. He said a good deal, but I shall only read a little:

Mr. W. S. U'Ren told of his experience as a single-tax propagandist before he learned that mere propaganda is not the line of least resistance. "I read 'Progress and Poverty' in 1882, he said, "and I went just as crazy over the single-tax idea as any one else ever did. I knew I wanted the single tax, and that was about all I did know. I thought I could get it by agitation, and was often disgusted with a world that refused to be agitated for what I wanted. In 1882 I learned what the initiative and referendum is, and then I saw the way to the single tax. So I quit talking single tax, not because I was any the less in favor of it, but because I saw that the first job was to get the initiative and referendum, so that the people, independently of the legislature, may get what they want rather than take what the legislature will let them have. We have laid the foundation in Oregon, and our legislature can not draw a dead line against the people.

"We have cleared the way for a straight single-tax fight in Oregon. All the work we have done for direct legislation has been done with the single tax in view, but we have not talked single tax because that was not the question before the house. Now that question is before the house in Oregon, and we will discuss it. In that state, since we first began our work with the single tax as the goal in view, we have confined ourselves to the questions to be voted on at the next election. To do otherwise is to confuse the voters. The Joseph Fels Fund Commission began its work with the definite aim to put the single tax into operation somewhere in the United States within five years, and it will succeed in that work."

You all know from the statement made that the insidious approach to that was through county home rule in taxation, an amendment to the constitution that was carried in Oregon, and you all know that in 1912, this very year, there is a constitutional amendment to be voted upon in Oregon initiated by petitions loosely drawn, to establish the single tax in that state.

Now, gentlemen of the Convention, I have said that each one of these men who advocated those ideas, who write for the popular magazines and whose names are mentioned in the report, some of them prominent in the affairs of our own state of Ohio, each and every one of those singletaxers, and each and everyone of the singletaxers in this Convention, and those who incline their ears softly to it, go back to the doctrines of Henry

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George as the foundation upon which to erect their superstructure. I only want to call your attention to a very little of that, although it is something that should be read and studied by everybody who thinks that this is not a live question in the state of Ohio.

Mr. TANNEHILL: Will the gentleman yield?

Mr. HALFHILL: I always like to do that, but it interrupts me at this time. Will you allow me to read this? When I get through I will answer your question.

Take this work, "Progress and Poverty", which is divided or classified into books, and I refer you to Book VIII on "The Application of the Remedy." We will see what banner these gentlemen who are insisting upon their rights to have this an open question in the state of Ohio are invited to follow in Chapter II of Book VIII, how the equal rights to the land may be asserted and secured, and the proposition that Mr. George is establishing by his argument is to abolish all taxation save that upon land values, the very thing that the amendment interposed by the gentleman from Ashtabula seeks to avoid. I read:

We should satisfy the law of justice, we should meet all economic requirements, by at one stroke abolishing all private titles, declaring all land public property, and letting it out to the highest bidders in lots to suit, under such conditions as would sacredly guard the private right to improvements.

Thus we should secure, in a more complex state of society, the same equality of rights that in a ruder state were secured by equal partitions of the soil, and by giving the use of the land to whoever could procure the most from it, we would secure the greatest production.

Such a plan, instead of being a wild, impracticable vagary, has [with the exception that he suggests compensation to the present holders of land — undoubtedly a careless concession which he upon reflection would reconsider] been indorsed by no less eminent a thinker than Herbert Spencer, who ("Social Statics," Chap. IX, Sec. 8) says of it:

"Such a doctrine is consistent with the highest state of civilization; may be carried out without involving a community of goods, and need cause no very serious revolution in existing arrangements. The change required would simply be a change of landlords. Separate ownership would merge into the joint-stock ownership of the public. Instead of being in the possession of individuals, the country would be held by the great corporate body — society. Instead of leasing his acres from an isolated proprietor, the farmer would lease them from the nation. Instead of paying his rent to the agent of Sir John or his Grace, he would pay it to an agent or deputy of the community. Stewards would be public officials instead of private ones, and tenancy the only land tenure. A state of things so ordered would be in perfect harmony with the moral law. Under it all men would be equally landlords; all men would be alike free to become tenants. * * * Clearly, therefore, on such a system, the earth might be enclosed, occupied and cultivated, in en-

tire subordination of the law of equal freedom." Mr. George then further continues his argument:

But such a plan, though perfectly feasible, does not seem to me the best. Or rather I propose to accomplish the same thing in a simpler, easier and quieter way than that of formally confiscating all the land and formally letting it out to the highest bidders.

To do that would involve a needless shock to present customs and habits of thought — which is to be avoided.

To do that would involve a needless extension of governmental machinery — which is to be avoided.

It is an axiom of statesmanship, which the successful founders of tyranny have understood and acted upon — that great changes can best be brought about under old forms. We, who would free men, should heed the same truth. It is the natural method. When nature would make a higher type, she takes a lower one and develops it. This, also is the law of social growth. Let us work by it. With the current we may glide fast and far. Against it, it is hard pulling and slow progress.

I do not propose either to purchase or to confiscate private property in land. The first would be unjust; the second, needless. Let the individuals who now hold it still retain, if they want to, possession of what they are pleased to call their land. Let them continue to call it their land. Let them buy and sell, and bequeath and devise it. We may safely leave them the shell, if we take the kernel. It is not necessary to confiscate land; it is only necessary to confiscate rent.

Nor to take rent for public uses is it necessary that the state should bother with the letting of lands, and assume the chances of the favoritism, collusion and corruption that might involve. It is not necessary that any new machinery be created. The machinery already exists. Instead of extending it, all we have to do is to simplify and reduce it. By leaving to land owners a percentage of rent which would probably be much less than the cost and loss involved in attempting to rent lands through state agency, and by making use of this existing machinery, we may, without jar or shock, assert the common right to land by taking rent for public uses.

We already take some rent in taxation. We have only to make some changes in our modes of taxation to take it all.

What I, therefore, propose as the simple yet sovereign remedy, which will raise wages, increase the earnings of capital, extirpate pauperism, abolish poverty, give remunerative employment to whoever wishes it, afford free scope to human powers, lessen crime, elevate morals, and tastes, and intelligence, purify government and carry civilization to yet nobler heights, is to appropriate rent by taxation.

In this way the state may become the universal landlord without calling herself so, and without assuming a single new function. In form, the

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ownership of land would remain just as now. No owner of land need be dispossessed, and no restriction need be placed upon the amount of land any one could hold. For, rent being taken by the state in taxes, land, no matter in whose name it stood, or in what parcels it was held, would be really common property, and every member of the community would participate in the advantages of its ownership.

Now, insomuch as the taxation of rent, or land values, must necessarily be increased just as we abolish other taxes, we may put the proposition into practical form by proposing—to abolish all taxation save that upon land values.

And I should like to see anybody who justifies his course in advocating the single tax in this great state of Ohio, which yet, thank God, is a land of homes, explain how he could legally justify the right to county and home rule for taxation without interfering with the sovereign power of the state to say how taxes should be levied and collected. How by imposing upon land values or land sites, even in a modified form of the single tax, if you please, can anything be done that would not cast a greater burden upon the land proportionately, all of which is possible under the authority for county home rule in matters of taxation?

Now here is something to which I want to call your careful and serious consideration. I read from the "Single Tax Review," published in the month of June, 1911, part of a speech that was made on a solemn occasion, when the president of this Convention was at the bier of his lifelong friend, the lamented Tom Loftin Johnson, of the city of Cleveland, Ohio. Mr. Bigelow said in part:

There is one word we would write above his grave. That word is "Victory." His victory was no man's defeat. His was the victory of splendid endowments consecrated to the tireless service of his fellowmen.

Defeat! This is a word that was on his lips, never in his heart. However much we craved for him honors that the world could give, we know now that there is no honor, no victory of an hour, that could add to his eternal glory. He knew that every truth is born in a manger; that it is nursed in poverty; that it is unrecognized at first save by the few wise men; that by the mob it may be despised and rejected; nay, even crucified, dead and buried, as the world may think. But he knew also that if it is God's truth it will have its resurrection from the grave and yet be written into the hearts and laws of men. In honor to his memory we must believe—we dare not doubt—that from these two graves a new republic shall arise—a republic founded upon the truth of Henry George and inspired by the example of Tom Loftin Johnson, his beloved disciple and his friend.

"Progress and Poverty" interrupted the career of a king of finance in the making. Strong, masterful, originally with no more conscientious scruples than characterizes other captains of industry, this man had entered upon the same career

that such men as Morgan, Belmont, Whitney, Ryan had carved out for themselves. But the same call came to him that came to Saul, of Tarsus—with the breaking of the spirit of truth through the clouds—"Saul, why persecutest thou me?" And nobly Johnson answered that appeal. When he saw the truth in this work of Henry George, which has changed the spirits and characters of more men than any book from the pen of man not avowedly inspired, he came to the apostle of this truth and gave himself to the service of that cause which is the last and greatest in the world-old struggle of man against darkness and error.

I submit, gentlemen, that the sentiment is beautiful and the address is a gem of literary production. It does credit to the heart of one who spoke no doubt sincerely and in honor of a man who believed sincerely, but the doctrines set forth are the doctrines against which we contend and they are the doctrines that are aimed at and which we desire to inhibit by the amendment offered by the gentleman from Ashtabula [Mr. LAMPSON]; and which we seek to make part of the fundamental law.

Gentlemen of the Convention, I have read that not to embarrass the president of the Convention. I have read it to show you, if there is any lingering doubt in the minds of any one of you, that there is a strong, masterful force at work in the state of Ohio behind the single-tax propaganda. I have read that to show you that right here in this Convention are strong, masterful, resourceful men, contending to establish as fundamental law without safeguards sufficient, as we think, to protect the homes and the firesides and the farms; and we submit that no condition exists in this great state of Ohio for again establishing the doctrines of the commune and the division of land. We submit that the pall of socialism shall not fall or its withering blight be brought to bear upon the state of Ohio by the adoption of the single tax, unless we meet it face to face, and if we can put into the constitution, as we desire to do, this amendment, then the single tax never can be adopted in the state of Ohio, unless this amendment is removed, and that is our desire. We want to fight fairly and openly, not by cunning and subterfuge, and if we can not win this contest here we will win it at the hearthstones and firesides of the people of the state of Ohio when we go forth to fight for truth and justice at the polls next November.

Mr. DONAHEY: You are in favor of the classification of property?

Mr. HALFHILL: I have so stated.

Mr. DONAHEY: Don't you know that under the classification of property it is possible to establish the single tax?

Mr. HALFHILL: It is not possible under the classification of property to establish the single tax. If it were I would not be for it.

Mr. DONAHEY: It is, under the classification.

Mr. HALFHILL: The classification of property is a generic term. It means exactly what you define it to be. No definition I would put on the classification of property would make it possible to establish the single tax under it.

Mr. DONAHEY: If that be true, would not you

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rather risk the people of the whole state than the legislature to establish the single tax?

Mr. HALFHILL: Do I understand you to ask, would I prefer to leave it to all the people?

Mr. DONAHEY: Rather than to the legislature.

Mr. HALFHILL: I do not know whether I interpret the scope and intent of your question, but I can answer you honestly. If classification of property leads to the single tax, and anybody can show it to me, then I would not vote for the classification of property any more than I would vote for some other extreme view of overturning the existing conditions and launching us upon a new and uncharted sea.

Further answering, the definition of classification of property that I have suggested here to members, privately and in committee, contemplates the establishment of some limitation upon the taxation of real estate in the constitution—say one per cent—so that you could not exceed that by loading taxation upon the land, and with such a limitation as that, and the right of classification as to other property, I am inclined to think that such a definition of classification absolutely excludes the single tax.

Mr. READ: From your remarks you do not doubt, if the single tax would come before the people on a square fight, that they would turn it down by an overwhelming majority?

Mr. HALFHILL: I do not know whether they would or not. The conditions in the state of Ohio are favorable to the non-landowning population prevailing, it being greater in number and more likely to vote for the single tax.

Mr. READ: You believe if we do not have an inhibition of the single tax in the initiative and referendum that you will be able to defeat the initiative and referendum?

Mr. HALFHILL: I believe that if the initiative and referendum goes forth as a proposed amendment to the fundamental law it should be protected by every safeguard that we could get into it, because we do not know what will be done at the polls.

Mr. READ: I understood you to say that you wanted to fight this question openly and squarely, and if so, why not let it come up and fight it where you can fight it, where you can fight it openly and squarely?

Mr. HALFHILL: The experience in the state of Oregon is that you can not fight it fairly and squarely. The experience in Oregon is that it comes by insidious approaches, and we are trying to avoid that.

Mr. ANDERSON: Is not this what you are trying to inhibit by this amendment, the single tax in Ohio by piecemeal, and could not you have the single tax by piecemeal if the Lampson amendment or the substance of that amendment is not adopted?

Mr. HALFHILL: I so understand it.

Mr. ANDERSON: Would you be satisfied with the inhibition of the single tax in this initiative and referendum in such a way that at any time a majority of the voters in Ohio, by initiative, could take it out of the constitution if they saw fit—I want to be perfectly understood—instead of going through the legislature as they now have to, to amend the constitution?

Mr. HALFHILL: I want to make it as difficult as possible to have the single tax established in Ohio, and I

want the amendment to the constitution when it comes, to come in such a form that we know what we are meeting.

Mr. ANDERSON: Does this so-called Lampson amendment do more than inhibit the single tax through the initiative and referendum? Does it also inhibit through the initiative and referendum the classification of property?

Mr. HALFHILL: That is a question of construction.

Mr. ANDERSON: Is it your intent to do any more than just to inhibit the single tax?

Mr. HALFHILL: The intent of my speech was to draw attention to the single tax. I know how prone we are to overlook some other things when our minds are intently fixed on one thing. I want to inhibit the single tax and I want to make it just as hard as possible for the single tax to ever come to a vote in the state of Ohio, except upon a fair, square issue to amend the constitution for the purpose of establishing the single tax.

Mr. ANDERSON: I wish to go with you along that line as far as you go, but I want to end short of doing anything else than inhibiting the single tax.

Mr. HALFHILL: I am not disposed to say that the present amendment either inhibits or permits the classification of property. I have not looked at it with that in view.

Mr. DWYER: Won't we strengthen the initiative and referendum proposition before the people by the express inhibition of the single tax? Won't we probably get more votes by an expressed inhibition of the single tax?

Mr. HALFHILL: I think that is undoubtedly so.

Mr. DWYER: I think it would strengthen the proposition before the people with that inhibition expressly set forth in it.

Mr. PIERCE: Don't you think it would be just as reasonable to inhibit socialism in the organic law of the land as to inhibit the single tax?

Mr. HALFHILL: No; I don't think it would be as reasonable, but I wish it were possible. I would like to inhibit some of its tenets.

Mr. TALLMAN: I understood you to say that the non-property holding people in the large cities would be apt to be in favor of the single tax because a great majority of the people in the large cities are non-landowners. I believe you said that?

Mr. HALFHILL: Substantially that.

Mr. TALLMAN: Now, what would be the effect upon the rent that the non-landowners would have to pay the landlord? The working classes would have to pay the landlord and pay the taxes eventually, would they not? Would not the tax be added to the rent and would it not come off the poor man in the end?

Mr. HALFHILL: I don't think in an economic question like that, that it follows the rule of interest. I don't think it does at all.

Mr. DOTY: What does it follow?

Mr. HALFHILL: What rule does it follow, do you mean?

Mr. DOTY: Yes.

Mr. HALFHILL: The rule it would probably fol-

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law would be to establish a maximum rent valuation for land under the initiative and referendum.

Mr. DOTY: Would that be socialism?

Mr. HALFHILL: It has some of its earmarks.

Mr. DOTY: Then are you not trying to produce socialism — a thing that you don't want?

Mr. HALFHILL: Not at all.

Mr. DOTY: Have I not pointed out that you have?

Mr. HALFHILL: No, sir.

Mr. DOTY: I think I have, and I thought you recognized it.

Mr. HALFHILL: You are mistaken.

Mr. HARBARGER: Do I understand that the Lampson amendment is to provide against the single tax? Does it provide against taxation of municipal bonds as well?

Mr. HALFHILL: It provides you can not establish any different rate, as I understand it.

Mr. TALLMAN: Then municipal bonds have to be taxed the same as land values.

Mr. HALFHILL. The amendment says, "bonds of corporations other than municipal."

Mr. WATSON. In the Taxation committee on February 11 and 12, a statement was made like this: "I want the children of coming generations to govern themselves and not by some hard and fast rule as laid down by their grandfathers." Don't you think that is a pretty good sentiment?

Mr. HALFHILL: It is a beautiful sentiment, but what was the context?

Mr. WATSON: Would not that apply to the initiative and referendum proposition as well as to taxation?

Mr. HALFHILL: That sentiment apart from the context reminds me that it is quite possible to pick out a text of scripture commanding one to go out and hang himself.

Mr. HOSKINS: I want to ask you whether or not the Lampson amendment does not prevent the classification of property for purposes of taxation, and does it not in fact hold to the present uniform rule of taxation in effect? In other words, would it not nullify the power of the legislature to classify any sort of property for taxation except by uniform rule?

Mr. HALFHILL: I am not disposed to enter upon a construction of that feature of the amendment now.

Mr. HOSKINS: I suggest that you read it before you commit yourself to it?

Mr. HALFHILL: I am on this subject of single tax now and I am fighting that, and no man can misunderstand my position unless he willfully does so. If it is necessary to sacrifice classification of property to avoid the single tax, I will sacrifice it.

Mr. HOSKINS: Then I understand that you commit yourself to the support of the Lampson amendment?

Mr. HALFHILL: I am standing for the Lampson amendment and against the single tax, and if the Lampson amendment prevents classification of property, I don't care. It is prevention of the single tax that I stand for to the last ditch, and I am willing to sacrifice everything else to that end if such sacrifice be necessary. Now I would like to ask you a question. Are you in favor of the single tax?

Mr. HOSKINS: No, sir.

The PRESIDENT: The member from Washington [Mr. RILEY] has the floor.

Mr. DOTY: Will the gentleman from Washington yield the floor for a recess?

Mr. RILEY: Oh, yes; I will yield. About all I seem able to do is to be interrupted and yield for something or other.

Mr. HARRIS, of Ashtabula: I will suggest to the member from Allen [Mr. HALFHILL] that if he will read the Lampson amendment to the gentleman from Auglaize [Mr. HOSKINS] it answers the question that has been put by him. There is no suggestion of classification of property there.

Mr. HALFHILL: That, I think, is a correct interpretation.

Mr. DOTY: The gentleman from Washington having yielded, I move that we recess until 1:45 o'clock p. m.

The motion was carried.

AFTERNOON SESSION.

The Convention met pursuant to recess and was called to order by the president, who recognized the delegate from Washington [Mr. RILEY].

Mr. SMITH, of Hamilton: I would like permission to offer a substitute amendment which would put the whole matter together.

The PRESIDENT: The president would have to rule that the amendment is not in order now. Only three amendments can be pending at the same time under our rule.

Mr. SMITH, of Hamilton: Then I will not offer it at this time.

Mr. RILEY: Mr. President: I cannot refrain from expressing my gratitude to numerous friends who have extended sympathy to me for failing to get the floor or to hold it when I do get my feet on it, but I think they might have said less about it if they had known my general view on the subject of sympathy. I have an idea that many people are sympathized out of this world. I am not afraid of that, however, but the philosophy of it is expressed in a very short story. Two young men were classmates and started out in life with equally good prospects. One was successful, the other was the reverse. Some time afterward the one that was successful met his friend on one of the docks of New York city. His friend had a basket on his arm and he was offering for sale pies and cakes. Naturally the well-to-do friend expressed the warmest sympathy for him when his friend philosophically said, "To hell with your sympathy; if you want to help me, buy a pie." The difference between me and that gentleman is that I have nothing to sell.

Shall we make the initiative and referendum a part of the organic law of Ohio, to be effective in framing and enacting laws to be enforced throughout the state and in repealing laws duly enacted under our representative form of government? This is a question relative to which we are about to do our part in settling for the time being.

The so-called progressive idea that suggested this new form of legislation at this time has taken deep root in

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the western mountain and coast regions of our country, and threatens to spread over the central and eastern sections as well.

Long before this new thought in legislation was seriously discussed in this country Mr. Lincoln declared that ours is a government "Of the people, by the people, and for the people," referring, of course, to the United States government; but the statement applies more forcefully to our state government, for the reason that the system whereby our governor, who has much to do with legislation, and the entire body of the general assembly are all elected for two-year terms, bringing the state government much nearer the people than is the United States government.

Thus we see that all who have to do with legislation are servants of the people, who not only have the right of petition and can through that medium propose any law they may desire enacted, but they also have the recall every two years, and can thus remedy any errors of omission in our law-making department.

We will agree, perhaps, that too many laws are enacted, and that some are crudely drawn for the reason that they are not considered with the care that the situation demands.

Under the representative system we now have, there is, or should be, ample time for deliberation. Every proposition for a new law or amendment to a statute, at first called a bill, is required by our constitution to be read on three several days in each house, unless by a three-fourths vote the rule is dispensed with. The bill is usually referred to an appropriate committee having peculiar qualifications for the task of critically examining the form and substance of the proposition; then, after an opportunity for discussion, must be passed by a ye and a nay vote of a majority of all members elected to the house in which it originated. It must then go to the other house, where it goes through the same process, and must be sent to the governor; if he approves the bill it becomes a law; if he does not, he returns it to the house in which it originated with his objections, where it may be reconsidered and passed over the veto by a two-thirds vote in each house, and thus become a law.

One of our United States senators, in an address recently delivered, among other things said, in reference to the framers of the constitution of the United States: "The main object, therefore, was to make certain that there should be abundant time for discussion and consideration; that the public mind should be thoroughly and well informed, and that the movements and machinery of government should not be so rapid as to cut off deliberation."

If, by the deliberative action now provided for, unconstitutional and otherwise objectionable laws are passed, what improvement can be expected from the proposed initiative where the element of proper deliberation is not provided for? It may be admitted that a lawyer might be found in any county in the state who is competent to write a bill in good form to cover almost any scheme of legislation that may be suggested, but whether drawn by such person or any other, is it not safer to send it along the well-worn path over which legislation has traveled for the past one hundred and ten years in the state of Ohio? The chances are many to one that if we adopt the new system we will have the ex-

perience that others are having where it is being tried; therefore it may be worth while to look at actual results, some of which I have gathered and will present.

Governor Vessey, of South Dakota, in a speech delivered in Kansas said:

If Kansas adopts the initiative and referendum you must not expect the millenium to be ushered in. Don't think for a minute that this system is a cure for all evils; but certain I am that it brings on new evils which are very harmful to the state and its people. In the first place, it helps the scalawag as often as the good citizen, if not oftener.

In the state of Oregon in 1910 thirty-two measures were submitted to the people under the initiative and referendum at one election. They covered two hundred pages, law-book size. Please think for a moment of the utter impracticability of the voters of average intelligence and education marking a ballot with any discriminating judgment in the time given at the polls!

It is known to all that many of our good citizens would not, and could not if they would, become sufficiently informed to vote intelligently on one law if it were long or in anywise intricate.

The indifference of the voter, the principle cause of uncertainty in the result of an election, is strikingly illustrated by data collected to furnish information in reference to the short-ballot scheme in what was considered the most independent assembly district in Brooklyn, N. Y., immediately after the election in 1908:

Eighty-seven per cent of the voters, interviewed, could not tell the name of the new state treasurer just elected; 75 per cent of the voters could not tell the name of the treasurer in office at the time of the election; 70 per cent did not know the name of the assemblyman elected in their district; 80 per cent did not know the name of the defeated candidate for the same office; 65 per cent did not know the name of the surrogate of the county; 85 per cent did not know the name of their alderman; 98 per cent did not know their alderman voted on propositions to increase the police force the year before; 96 per cent said they were not in active politics; 4 per cent were teaching people how to vote.

In order to show how the initiative and referendum worked in Switzerland I quote from a report made by our vice consul at Berne, Switzerland, to the state department, and read in the United States senate July 30, 1909:

It may safely be said that the initiative can be of decided and positive value only in districts small enough to enable the average citizen to form a conscientious opinion on projects of such local significance as to be well within his practical knowledge.

With a comparatively small number of signatures requisite for an initiative measure, its danger lies in the fact that it may easily be prostituted by factions, cliques, malcontents and demagogues, to force upon the people projects of partisan, freak or unnecessary legislation.

Further on, the same report, speaking of the referendum, says:

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The most striking general result is seen in the relatively small number of voters who will vote upon laws, and while statutes have been passed to compel voting, their provisions have simply increased the great number of blank votes.

And this is a republic that stands second among all of the civilized nations of the world in the nearest approach to universal education; that is to say, they have a smaller per cent of people who cannot read and write than any other country except one.

I quote again the language of the governor of South Dakota:

The initiative and referendum can be made to serve the ends of a minority dominated by rascals and demagogues. Every time a law is passed to improve moral conditions it is referred back to the people by the rag-tag element, and eighteen months elapses before it goes into effect, even if by reason of delay its opponents are not able to bring about its defeat.

Many years ago a reputable author wrote that the absolute or direct form of government prevailed in the republics of antiquity. The absolute form, in fact, is adapted only to small communities, with a population concentrated as to space and differing little in life or culture.

The first impulse of the public will, some times passionate and shortsighted, should be tempered and enlightened by passing a series of media in its way to action; and the hold which the constituency has upon its representatives, by the means of frequent elections, and in other ways, is sufficient guard against any defeat of a steady, earnest, public conviction.

Gibbon, in his history of Rome, says:

Under a democratical government, the citizens exercise the power of sovereignty; and these powers will be first abused and afterwards lost if they are committed to an unwieldy multitude.

A great writer, after speaking of the intelligence and capacity of the Athenian people for self-government, said:

But when they did away with all restraints upon their direct action in the making and enforcement of laws, in administering justice and in regulating foreign affairs, their greatness was soon brought to an end, and they became the victims of the most odious tyranny to which any people can be subjected, the tyranny that results from their own unrestricted and unbridled action.

I quote from a recent writer on the so-called progressive idea under consideration:

Burdened with the failure of centuries it has always trodden the same path, which revolves in the well-worn vicious circle from democracy to anarchy, from anarchy to despotism, and then, by slow and painful steps, back to the high levels of an intelligent freedom and an orderly liberty.

Our ancestors sought to make it as impossible as human ingenuity could devise to drag democ-

racy down by the pretense of giving it a larger scope. We are asked to retrace our steps, adopt what they rejected, take up that which has failed, cast down that which has triumphed, and for government by the people substitute the rule of the faction, led by the eternal and unwearied champions who, in the name of the people, seek the promotion which they lack.

I have endeavored to locate the serious or principle advocates of this new thought in politics, without reference to delegates on this floor, and find the socialists demand that the initiative and referendum and recall be allowed on a petition of five per cent of the voters.

The Ohio State Federation of Labor, claiming a membership of 250,000 in this state, demands that the same ideas shall be written into the constitution, providing for a percentage basis for petitions of eight for the referendum of laws, ten for laws initiated, twelve for proposed constitutional amendments and thirty for the recall.

The Ohio Progressive Constitutional League favors the same percentage basis for petitions as the labor organizations, except that its constitution does not mention the recall.

Other so-called progressives without membership in any of the organizations mentioned, made up in large parts of disappointed politicians out of a job, who think one or more new parties are needed to keep the country from going to the bad, include this new fad in their creed.

All singletaxers seem to think that the way of the initiative and referendum is the short road to success in their schemes.

A good authority on the single-tax theory says that private ownership in land is wrong, and that the single tax will create such a burden that owners cannot carry it, and that, without revolution, all land will be taken over by the government for delinquent taxes and every man will then have an equal chance at the best of it.

There is grave reason to fear that government ownership of land is the real object of all this agitation. It goes without saying that the anarchist and all others who are, on general principles, against the government, will favor any change, especially one having a tendency to arm him with the power as a direct maker of laws.

Then there are others, found in all of the political parties, who recognize that the large number of voters in the combinations mentioned, if concentrated on one side, on some particular issue, would hold the balance of power in a state or national contest between the great parties as at present organized, and for selfish purposes they enlist as leaders in the movement. This class is a menace to safe and sane government.

Here in an illustration of just what I mean. Judge William H. Spear, of New Jersey, in an address recently delivered to the Ohio Manufacturers Association in this city, in discussing the initiative and referendum, said:

At home, in New Jersey, we have a distinguished man who for twenty years taught his classes in Princeton University that the initiative and referendum was a delusion and a snare. Then suddenly, over night, he was converted under an inspiration and commenced its advocacy. It was an inspiration of an aspiration.

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But there are others, among them the ex-president and the many times candidate for that great office, whom we have heard, with the evidence slightly preponderating that they are all ambitious and willing to serve the dear people whose cause they champion now and forever.

If I could be convinced that direct legislation by the people would afford better protection for the weak against the aggressions of the strong — in other words, would develop a better system of laws for the government of the people than the present system secured for us by the patriotic founders of the republic, a system that has hitherto been regarded by all of the civilized nations of the world as the best and freest government on earth, I would be willing to abolish the general assembly.

But I have not been so convinced; the more I consider it the further I seem to get from it.

My conclusion is that if the masses would give one-half of the time and attention to public affairs that they will be required to give to enable them to intelligently participate in the enactment of laws under the direct form proposed, they would accomplish much more than by the use of the initiative and referendum.

Our general assembly has placed in our hands the ballot to be used at the primary in the direct nomination of lawmakers, state and national, thus eliminating the boss, and making it possible through the form of the initiative called the petition to bring about any reform that the majority sees fit to demand.

Is it not "better to bear the ills we have than fly to others that we know not of?" Does not every member of the Convention understand that under the proposed system all classes have an equal chance to initiate measures, and that the big interests will have the advantage, because it is well known how easy it is to procure petitions, to manufacture sentiment and to procure votes with money? The member from Hamilton [Mr. PECK] says he has not found it easy to procure signatures to petitions. Here is what a reputable gentleman who resides in Colorado told me: A petition solicitor requested a married lady to sign a petition. "What is it about?" she asked. "Oh, for better times." The name was written and at the suggestion of the solicitor the husband's name was also written. No wonder that the delegate from Erie [Mr. KING] heard that soliciting was a lucrative business in Oregon! Bad and good laws proposed will alike cost the taxpayers vast sums of money.

Take your pencil and figure how much it will cost to print a proposed law and the arguments pro and con, and mail them to more than a million voters, as provided for in Proposal No. 2, to say nothing of many other items of expense.

And all of the expense is to be incurred on every proposed law, whether good or bad, with no one to decide but the draughtsman and the petitioners, until the expense is incurred, after which all of the voters have a chance to pass judgment.

The value of some deliberation in the preparation of proposed laws and constitutional amendments, as compared with the scheme of our Proposal No. 2, is most aptly and strikingly illustrated by the history of No. 2 in this body.

Its author was an expert in the business; he had carried through the last general assembly a law on this

subject, and yet his original proposal was not approved by a majority of the committee of which he is the chairman, and a substitute was prepared, which was liberally amended in the committees before it was brought before the Convention.

Several days after the debate on the proposal was commenced, a sincere friend of the proposal, with the concurrence of other friends, offered a substitute for the substitute. Two days later the same member moved to lay his substitute, with all pending amendments, on the table. The motion was agreed to, and a substitute was promptly submitted by another friend of the scheme for the original substitute reported by the committee. Then in rapid fire succession two several amendments to the last-offered substitute were offered.

Speaking on this floor in favor of immediate consideration of the substitute reported by the committee, our amiable president said:

I do not believe there ever has been, or ever will be, a proposal that has received anything like the careful consideration beforehand that this proposal has had. It was referred to a committee of twenty-one — we think we are doing our duty to appoint twenty-one men to consider this proposal — but we organized a committee of sixty to consider this proposal, and we worked and worked hard upon it. Not only did the committee of sixty work hard on that proposal altogether three different nights, but days were spent upon it, and if we stay here a year we will never have a proposal that has had anything like the judgment, criticism and scrutiny that this proposal has received.

And it was given out that when the proposal reached the Convention no "i" would be dotted or "t" crossed. What happened? It has been discovered by others that instead of amending the first section of article II of the constitution, as was intended, the proposal, as drawn, reported, printed and read the second time, if adopted, would repeal the last thirty-one sections of the article instead of amending one section of the same. The second and third substitutes cover this blunder that was so long overlooked.

Let us examine some other provisions of this proposal. Section 1-aa provides for sending initiative measures to the general assembly, and you will find in lines 37 and 38 these words: "If any such law proposed by petition shall be approved by the general assembly it shall be subject to the referendum as herein provided." It may be said that this is a misprint and that it was intended as a negative rather than an affirmative provision, but the lines quoted have no proper place in the section in either form.

There might have been some propriety in saying that a law so approved should take effect immediately, or at some fixed time, but there is no necessity for saying it shall be or shall not be referred. If such measure is approved by the general assembly that should be final.

The requirement found in lines 51 and 52 should be supplemented by the words, "No proposed law shall contain more than one subject, which shall be clearly expressed in its title."

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The word "title" is referred to in lines 106 and 149, but there is no intimation as to what it shall contain or be like in any respect.

Lines 61 to 65 read: "If conflicting laws or conflicting proposed amendments to the constitution shall be approved by a majority of votes the one receiving the highest number of votes shall be the law or amendment."

Who will decide this? Where will the decision be filed or recorded? What if the conflicting propositions receive the same number of votes?

Questions like these, as to whether laws or constitutional amendments are in conflict, might well be referred to the attorney general or some competent judicial tribunal before the vote is taken and save expense. But the section is incomplete in this and many other respects.

It was said on this floor that the conditions referred to in Oregon as to appropriations for a university could not occur here if the pending proposal is adopted, because the lawmaking appropriations can be made to take effect immediately. This is true, but it is also true that when such appropriation bill is rejected by a referendum the law thereafter ceases to be a law.

Let us illustrate: Our general assembly will meet in January, 1913. One of its appropriation bills, for universities, schools and other purposes, will be available for the year beginning February 16, 1913, and the other for like purposes will be for the year beginning February 16, 1914. If, under a referendum, an appropriation is defeated at the November elections in 1913, the last quarter of the year 1913 and the other full year 1914, ending February 16, 1915, would be unprovided for unless an extra session of the general assembly is called for the purpose, just as in Oregon.

The provisions for petitions in Proposal No. 2, lines 108 to 115, follow in some particulars a clause found in the California constitution, but the clause I refer you to in our proposal is much more loosely drawn.

California requires street numbers, if any, to be given, as well as the election precinct, of the person signing the petition, while our proposal omits, it is assumed purposely, both of these requirements. The California provision only allows a qualified elector to solicit signatures to petitions, and only in the county in which he is an elector. The proposal we are considering omits these important requirements. Under the scheme here proposed an expert at the business from the plains of Timbuctoo, or anywhere else, can take a contract of procuring signatures for the whole state. He must swear that each signature was made in his presence, but there is nothing to prevent non-residents, minors, felons and aliens or any others from signing and being counted.

Here you see is an open door for fraud and perjury, such as we heard of from Oregon, where papers were hung up in saloons and filled out in the absence of the solicitor, and where lists contained names of men who had died many years before.

How much better were the provisions of the law under which the delegates on this floor were nominated, where three men who had signed a paper were required to swear to the good faith of the paper they had signed.

Mr. PETTIT: Five men.

Mr. RILEY: I beg pardon: I thought it was three.

Why, I ask, was it thought necessary to agree, in night

or day sessions, to such monstrous form of proposals, where the idea of right and the square deal are left out?

Proposal No. 2, in lines 116 to 118, declares that "The petition and the signatures on such petitions, so verified, shall be presumed to be in all respects sufficient, unless not later than fifteen days before the election it shall be otherwise proven."

Before whom? No one can tell. There is no requirement that the petition shall be filed with any officer anywhere. It is inferable that the author intended that they should be filed with the secretary of state, but it is not so required in the proposal.

Mr. CROSSER: Will the gentleman yield for a question.

Mr. RILEY: Certainly.

Mr. CROSSER: Have you read lines twenty-nine and thirty? If you haven't will you please read them?

Mr. RILEY: I have no time for diversion. You can point out anything you want about this bill later on. I shall be glad if you can successfully demonstrate that there is nothing in this.

How much more safe and sane are the provisions of the California constitution on this point! I quote, "Unless and until it be otherwise proven upon an official investigation it shall be presumed." And further, "Each section of the petition shall be filed with the clerk or registrar of the voters of the county in which it is circulated, all circulated to be filed at the same time. The registrar is required to determine from the registration of voters what number of qualified electors have signed, and he is required to certify the result to the secretary of state.

Talk about a self-executing, workable article! And that is what is attempted. A fifteen-year old school boy should be able to take the matter furnished us by our state librarian and write a better proposal than the one we are offered by the committee. We have election boards in every county, who should pass on these petitions for their respective counties, after hearing objections. The county board should certify to the secretary of state, who should be required to ascertain whether the requisite number of names have been furnished before any election is held.

The suggestion of the member from Mahoning [Mr. ANDERSON] seconded by the delegate from Hamilton, [Mr. WORTHINGTON], spoiled an important part of my manuscript.

It was so refreshingly new to contemplate the coercion of a county into furnishing its full share of people willing to pray, by petition or otherwise, for a new law that possibly might change its boundaries or attach it to another county for representation or other purposes, that I reluctantly abandon the idea of punishing you further on the part of substitute number three.

Substitutes have been filed in such rapid succession recently that many of us are kept busy revising manuscripts.

Lines 127 to 131 are quoted: "A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation or both for, and also an argument or explanation or both against, the same shall be prepared."

How many laws besides those proposed shall be

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copied? By whom copied? And what shall be done with them? If only proposed law or laws referred are meant, why not say so? California provided that all measures submitted to a vote shall be printed, and together with arguments for and against each measure, by the proponents and opponents thereof, mailed, etc. In other words, what California makes clear in a few words our proposal muddles in three times as many.

You will find the words "argument or explanation or both" used five times in the paragraph beginning with line 129, and the words "arguments and explanations" are used three times in the next paragraph. If four papers are intended to be printed and sent out with each proposal—that is to say, an argument and explanation on both sides—then there is no sense whatever in repeating these long words so frequently. But if one paper on each side may be called an argument, the California precedent would save the use of at least twenty-six words in the paragraphs mentioned.

So it is. I do not hesitate to say of this proposal that as a self-executing article, as it is called, and a workable proposition without further legislation, it will be found to be a dismal failure.

For the sake of the good name of this Convention I have endeavored to point out some defects in the proposal as it stands, and sincerely hope that it may be re-committed, not to the larger committee of sixty, or of twenty-one, but to its author or some one who will reform it. Unless it is reformed radically, in substance as well as form, I cannot support it.

Mr. JOHNSON, of Williams: If there is no objection I would like to make a few remarks now.

The PRESIDENT: The gentleman from Summit [Mr. READ] is next on the list. Will the gentleman from Summit yield?

Mr. JOHNSON, of Williams: I have only a few remarks.

Mr. READ: I cannot yield for a speech, but I will for a few remarks.

Mr. JOHNSON, of Williams: There is only a little of it—about fifteen minutes. I have had this thing prepared for some time and I want to get it off my hands. I refused my warm friend the other day because I was wrought up and was not in good condition to talk.

Mr. READ: I don't like to yield for a speech.

Mr. JOHNSON, of Williams: What is your profession.

Mr. READ. Editor.

Mr. JOHNSON, of Williams: Won't you give us poor farmers a chance? Cannot I have the floor?

Mr. READ: Yes.

The PRESIDENT: The member yields.

Mr. JOHNSON, of Williams: I thank you. I don't know but this would keep, but I prepared it two or three days ago and I want to get it off my hands.

Mr. President: Before beginning the few remarks that I desire to make upon the proposition now before this Convention, it might be well for me to examine some statements made by me before the election that resulted in making me a member of this body. I am very well aware, Mr. President, that the position that I took at that time and the statements I made are of much more importance to me than they can possibly be to any of the members of this Convention, and yet it may be of

some interest for me to read the following statement that appeared in the Stryker Advance on October 26, 1911:

Editor of the Advance:

It might be of interest to your readers for me to say I am a progressive but not a visionary. I am in favor of fair play, equal taxation and home rule. The constitution ought to be short and to the point, and not made too difficult to amend. It ought, however, to be made so progressive and so fair that it will be adopted by the people, and so that it will not need to be amended for a few years at least.

I dislike to make specific pledges in advance, as I prefer to go to the Convention as a free man, without any other ambition than to serve the people faithfully and well. I am a practical farmer and I am proud of it, and if elected I shall use my best efforts to see that he gets justice and the fair-minded farmer wants nothing more. I am, however, the candidate of no class or clique, and if elected I shall work just as enthusiastically to get justice for the merchant, the mechanic and the laboring man, and in fact for all other classes as well as for the farmer. I expect to be the servant of all the people. I have faith in the people, and when a member of the general assembly of Ohio I tried to serve them faithfully and well. They had faith in me and I was re-elected. I hope that that confidence has continued.

SOLOMON JOHNSON.

Mr. President and Gentlemen of the Convention: I do not care to make a long speech either for or against the proposal in regard to the initiative and referendum. I have but one duty to perform at this time, and that is to give this proposed amendment to the constitution my support, and to use my influence to have it submitted to the people in a clear and concise manner, without any restrictions as regards its use. I am sure that at least ninety-five per cent of the voters of Williams county with whom I came in contact before the election were enthusiastically in favor of the initiative and the referendum. I am also sure that not one of my constituents, at least not one who favored the propositions, had any idea that any restrictions of any kind would be placed upon them, except the question in regard to the per cent which should be required to place them in operation.

Grange organizations and farmers' institutes often pass resolutions as a whole, relating to several subjects, by a very light vote—often by less than a dozen taking part. However, on the afternoon of February 10, 1912, at the farmers' institute held at Stryker, Ohio, at which nearly three hundred persons were present, the question was put, "All those who favor the initiative and referendum and think it should be submitted to the voters of the state, in a workable shape, arise." Nearly everyone present arose. The negative was put and those opposed were urged to arise, but not one vote was cast against the proposition. Is it any wonder that I cast my lot with the friends of this measure?

I have not been enthusiastically in favor of the initiative and the referendum, and whether I will support them at the polls, if submitted—and I hope they will

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be so submitted—is a question I shall decide for myself when the time arrives. The more I study these questions, the more I am convinced that too much importance is attached to the percentage that should be required in order to put the initiative and referendum into operation. It seems clear to me that a low percentage can do but little, if any, harm. Suppose that a law was proposed upon a petition requiring only five per cent, or that the same law was proposed on a petition requiring twenty-five per cent; in which case would the proposed law receive the larger vote? I think it would be impossible to tell in advance which per cent would produce the best results. More laws might be proposed, and no doubt would be proposed, under the five per cent requirement than under the twenty-five per cent. I do not care to discuss the question of percentage minutely, but I am willing to let the friends of the proposal fix the per cent, and if their work is adopted by the people I am willing to abide by the result. Since writing the foregoing United States Senator Burton, in his speech before the Convention, conceded that the percentage was not of so much importance as some would have us believe.

While opposition is an excellent means of drawing out the best that there is in mankind, yet, no doubt, it is true that the best results are obtained if any measure is perfected by its friends rather than by its enemies. The surest way to defeat a proposition is to load it down with extraneous matter. Why inject in this proposition the question of the single tax? What can be the motive for such a course? We hear a great deal about the inherent rights of property. Section 19 of the bill of rights of the present constitution says: "Private property shall ever be held inviolate, but subservient to the public welfare."

Do you know that there are no inherent rights that belong to the people that cannot be changed at any time? For instance, we have the right to worship God according to the dictates of our own conscience. Yes, we have a right to do that, as long as the majority raises no objection. Whenever a majority of the people of the United States become Mormons, then the Mormon can worship God according to the dictates of his conscience. In other words, are we not subject to the decision of the majority? If we are in favor of the people and have such an abiding faith in them, why not trust them fully?

The member from Richland [Mr. KRAMER] told how the absolute veto had been fastened upon the state of Ohio by the people, but he did not tell us that a general assembly of this great state submitted that proposition to the people, and to make sure that it would not miscarry the dominant party indorsed the proposal. And now, since the people have approved it at the polls, it is held up to us to show us that the judgment of the people was at fault! I make the prediction now that the people of this state will never, by the initiative and the referendum, fasten another such monstrosity upon themselves as this one forced upon them by the general assembly of the state of Ohio. Fault has been found because of two propositions in regard to salmon fishing in the Columbia river, the one supposed to be antagonistic to the other; both were adopted by the people of Oregon. Yet Mr. Bourne, one of the United States senators from that state, says that it was right and that they both should

have been adopted. Nearly all the difficulty in public, and I might add private, affairs arise because so many people want to do their own thinking and the other fellow's also.

Mr. President, I dislike to classify certain members of this Convention as friends of the initiative and referendum and others as enemies, because the classification might be erroneous, but I feel sure that no real friend of these propositions has any desire to weight them down with extraneous matter. I suppose the real friends of these measures are those that desire to have them submitted without any other restrictions thrown around about them except the question of percentages.

My first impression was that the percentages should be twenty, twenty-five and thirty, but long before the election I became convinced that those percentages were much too high; and I had said once or twice in private that rather than have the initiative and referendum proposal fail, I would favor much lower percentages than eight, ten and twelve, and I am now willing, and was before this Convention met, to vote for such percentages as the friends of these measures suggest. I hope the proposal will pass without any extraneous amendments.

Now, if I don't get wrought up too much, I would like to talk a little offhand, but I am afraid that the lawyers and editors will get me rattled.

It seems strange that so much time was spent yesterday to tell us about the grandeur of the British constitution. I am proud of the British government, but I am prouder of our own. I remember well that Noah Porter, when president of Yale, said the American who is not proud of the British government is unworthy to be called an American. But in the laudations of the British government yesterday they didn't tell us that the people of Great Britain amended their constitution so that they made the house of lords almost a nonentity, and they forgot to impress upon us the fact that if a proposal is made by the British government and it does not carry the members of that government resign and go home. Did you ever know of a gentleman connected with the state government of Ohio, either in the senate or the house of representatives, who resigned and went home because he was beaten in his scheme? I never did. Do you know that the people have more rights in the government of Great Britain and in parliament than we have in Ohio, because that parliament dare not persist in doing what the people don't like to have done?

They tell us that the people of Great Britain would think we were crazy if we were to pass the initiative and referendum to curb the powers of the lawmakers of this great state. Preposterous! What has that to do with the initiative and referendum in Ohio? Only to frighten the people like that bugaboo of the single tax. I am opposed to the single tax. More than twenty-five years ago I read Henry George's "Progress and Poverty," and I read another book of his, but it was so long ago that I have forgotten the title. I believe it was "Social Problems." I believe many people took to his theories at that time; and they were not the poor people from the slums either. They were school teachers and college professors. But that has passed. If it is a living issue today I must confess my ignorance of it. I have never known of it. Now we have heard a great deal about this board of trade—I don't know what the title of it

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is; the Ohio State Board of Commerce or something. You know they have not been worrying me any. They have never sent me any of their literature stating they want this or that. They don't want this amendment because they say it will make this proposal carry. I differ with them. If the people want to decide this question of the initiative and referendum we ought to let them do it.

As I walked down the street last evening some gentlemen who had been in the gallery said we were having a big time. And they were right. I told them my platform as I have been trying to tell it to you here, and they said I was exactly right. You know as well as I do that nine-tenths of the people of Ohio want to decide this question on its own merits. If the gentlemen want a limitation on the single tax, let them propose it and I will vote for it and put it in the constitution, but not in this measure that is now before us. There are some more things that I would like to say, but I have not got them in good shape.

The gentleman from Allen [Mr. HALFHILL] is extremely in favor of classification, but if he thought it would lead to the single tax he would not be for it. Well, if the people, after a thorough and fair consideration, want the single tax and want classification, and I know they want it, I am ready to vote for that as a definite proposition. I never make many long and loud speeches about the "dear people," but there never was a time in my life when I was afraid to trust them.

Now, I agreed not to talk long and I don't want to lie about it, but I hope when this measure comes up for passage that the men who really want it may make the percentages five, ten and fifteen or twenty, or whatever they want, and I do hope in the interest of fair play that you will keep everything extraneous out of the initiative and referendum.

Mr. LAMPSON: Will you yield for one question?

Mr. JOHNSON, of Williams: A half a dozen, but I don't agree to answer them.

Mr. LAMPSON: If a majority of the people of the United States vote in favor of polygamy would you be in favor of it?

Mr. JOHNSON, of Williams: I have an excellent wife and I don't want to take care of any others.

Mr. HALFHILL: If I understood you correctly you say if a provision against the single tax is proposed at the proper place in the constitution you will support it?

Mr. JOHNSON, of Williams: I will, although if I thought the people of Ohio wanted the single tax I would vote to submit it to them.

Mr. HALFHILL: Where can it be placed in the constitution to better advantage than right in this initiative and referendum proposal?

Mr. JOHNSON, of Williams: I will play a little Yankee, though I am part Dutch — why don't we put the woman's suffrage question in this proposal? Why don't we put the classification clause in the proposal?

Mr. HALFHILL: They are not germane to this proposal.

Mr. JOHNSON, of Williams: You do not want and I do not want that single-tax thing in here. Now I shall not answer any more definitely than that. If a majority want to put it in here or elsewhere all right. I can't see what you want that put in here for.

Mr. HALFHILL: Do you want me to answer that?
Mr. JOHNSON, of Williams: Answer if you can. Put it where you want to in the constitution and I'll put it where I want to.

Mr. ANDERSON: If each proposition is separately submitted so that the tax proposition would be in a separate place and the initiative and referendum in a separate place, if the inhibition against the single tax is with the tax proposition could not that proposition be voted down and could not the initiative and referendum be voted in and then you would not have any inhibition against the single tax in the constitution? Couldn't it be that way?

Mr. JOHNSON, of Williams: Yes; but I don't care about answering any more questions on the single tax. Some people are frightened over a visionary scheme; I am not. I will vote against the single tax. I don't believe the people of the state of Ohio are ready for your single tax.

Mr. LAMPSON: If the initiative and referendum proposal now pending before the Convention is submitted to the people will you vote for it at the polls?

Mr. JOHNSON, of Williams: I will vote against it if the proposed amendments are included and that is the reason I don't want anything in this proposal but the percentages required to put it in operation.

Mr. LAMPSON: What percentages are you in favor of?

Mr. JOHNSON, of Williams: The friends of this proposal can't make the percentages so low that I won't accept them. I will answer this question after a thorough investigation. Before I came here at all, I thought perhaps five, eight, and ten would be enough. But what is the use of quibbling about the percentages? If the people want any law proposed does it not take a majority of all those voting on the proposition to make it carry? I don't like to allude to personal experience, but I had some experience when the lawyers of the general assembly would not submit a bill and I kept on hammering at it and got it passed. I got the judiciary committee discharged from further consideration of the bill and got it passed. The secretary of state asked me if I was a lawyer and I said that I was not; that I was a farmer. He said it would be repealed in a year, but it was not. What harm will this do?

Mr. LAMPSON: Let me understand. You are simply in favor of submitting any proposition on the initiative and referendum that the majority may agree to, to the people?

Mr. JOHNSON, of Williams: Yes, sir.

Mr. LAMPSON: But you don't commit yourself to voting for it?

Mr. JOHNSON, of Williams: I expect to vote for it if it is in shape to suit me, just as you expect to vote for or against anything.

Mr. LAMPSON: What is that shape?

Mr. JOHNSON, of Williams: I think I shall vote for the initiative and referendum, but I don't know that that is under consideration now.

Mr. LAMPSON: I am trying to find out exactly where you are.

Mr. JOHNSON, of Williams: I tried to say in my talk that I was not enthusiastically in favor of the ini-

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tiative and referendum, but I was willing to submit it to the people of Ohio.

Mr. HARRIS, of Hamilton: Do you not think as a matter of courtesy to one of the largest and one of the most important committees of this Convention, the committee on Taxation, that all matters directly affecting the question of taxation should be left to that committee?

Mr. JOHNSON, of Williams: I certainly do.

Mr. HARRIS, of Hamilton: If the Taxation committee were to report out a proposal, or if a proposal should be adopted by the Convention as an amendment to any proposal submitted by the Taxation committee which in effect would absolutely prohibit the single tax, and that proposal were voted down at the polls, would not the people of Ohio under the initiative and referendum have direct power to vote again on petition?

Mr. JOHNSON, of Williams: I think so.

Mr. LAMPSON: Don't you think that so important a question as the initiative and referendum should have been left to the properly constituted committee on the Initiative and Referendum rather than be taken from that committee and left to a caucus outside?

Mr. JOHNSON, of Williams: Was it not left to the committee and didn't they report it back to the house?

Mr. LAMPSON: It was not.

Mr. JOHNSON, of Williams: Who reported it here?

Mr. LAMPSON: The initiative and referendum proposal was never discussed in detail in the committee at all.

Mr. JOHNSON, of Williams: Did a majority of the committee sign it?

Mr. LAMPSON: They did, but it was not discussed or considered in the committee at a meeting. It was taken away from the committee. I ask this question in view of the one asked by Mr. Harris of Hamilton.

Mr. JOHNSON, of Williams: In reply to that, I don't know that that did any harm. It was before you; you had a chance to have it discussed.

Mr. LAMPSON: We did not have a chance to discuss it.

Mr. JOHNSON, of Williams: It was there several weeks.

Mr. STILWELL: Do you not think that the purpose of writing this inhibition into the initiative and referendum proposal is because this in all probability will be voted on by the people of Ohio and is the most popular measure that can be presented to them?

Mr. JOHNSON, of Williams: I rather think so.

Mr. EBY: You referred to being a former member of the general assembly of Ohio?

Mr. JOHNSON, of Williams: Yes.

Mr. EBY: As a member of the general assembly were you not instrumental in securing the passage of a law relating to the recording of deeds?

Mr. JOHNSON, of Williams: Yes.

Mr. EBY: Have you not expressed yourself as being proud of the part you took in that matter?

Mr. JOHNSON, of Williams: I am never very proud of anything I do. Some people are proud. When they do the least little thing they strut around with their heads away up in the air, but I never feel that way. I don't belong to that class.

Mr. EBY: Did you not tell some one in private that

if it were known that you would introduce that bill you would be overwhelmingly defeated?

Mr. JOHNSON, of Williams: No, sir. I never said it.

Mr. EBY: What did you say in regard to that?

Mr. JOHNSON, of Williams: When I got the bill passed some members of the general assembly told me that I would never get back, but I defeated a gentleman who had been in the land office in the West and had been removed by President Arthur and came back for a vindication. He threatened to denounce me for passing that bill. It had been recommended in the general assembly when he was a member, but it was defeated at that time and I am glad to say that the bill is on the statute books today as a law. I said if the people didn't comprehend the law they might defeat me, but when these gentlemen, my opponent and his backers in Williams county, knew that I said I would go to every school house in Williams county if they raised that fight on me and denounce them as scoundrels, they weakened. I was elected not by a 270 plurality, but by a majority in a republican county, and I have always been very proud of that fact—proud of the fact that I was one of the first members of either party that was ever re-elected to the general assembly from Williams county. According to the votes, in that matter the people had confidence in me. Now I don't care about being quizzed any further.

Mr. EBY: One more question.

Mr. JOHNSON, of Williams: Well, get around in front where I can see and hear you, and I will answer your question if I can.

Mr. EBY: Haven't you said if that bill at the time it was passed had been submitted to the people it would have been overwhelmingly defeated?

Mr. JOHNSON, of Williams: I said to you a great many things in private, and if you know positively where I said it, if you want to impeach me in regard to it, I will stand the soft impeachment. I don't care what I say in friendship or in private, but I will say more than that. I will say that if this measure I got through the general assembly had been submitted to the people and they didn't think that they wanted it and refused to pass it, I would not lose all confidence in them. Does that satisfy you?

Mr. EBY: I will have to be satisfied with it.

Mr. JOHNSON, of Williams: Don't you think it is our duty as delegates to do all we can, whether we intend to vote for a measure or not, to put all propositions in the best possible shape to go before the people? I do, but Senator Foraker didn't agree with me. He said you people ought not to vote for woman's suffrage and then go out and vote it down.

Mr. ANDERSON: Was it not our duty in framing the woman's suffrage proposal to put it in the best possible shape that we could?

Mr. JOHNSON, of Williams: Will you say that the very best shape to put this initiative and referendum measure in is not a squared-toed proposition? My people understood that that was the way it would be submitted to them when I was sent here.

Mr. ANDERSON: I don't know how they understood it.

Mr. JOHNSON, of Williams: That is what I think.

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Now you argue from your standpoint and you want to do your own thinking. I wouldn't like to say that you want to do mine also, but it looks that way.

Mr. ANDERSON: Was there anything in the question I asked that indicated that I wanted to do your thinking?

Mr. JOHNSON, of Williams: Maybe my voice is a little weak and you didn't understand it, but my proposition is that this Convention stand on such percentages as they want, ten, twelve and fifteen or four, six and eight—stand squarely on that and see whether the people in Ohio want it. What is wrong with my position?

Mr. ANDERSON: I am not criticising your position. I asked a question not to embarrass you or to seem to, but is it not our individual duties as delegates under our oaths to put every proposition, whether we are going to vote for it or not, in the very best possible shape?

Mr. JOHNSON, of Williams: Yes, and I will tell you where I draw the line: If you think hanging something else on it will put your measure in the very best possible shape, I take the liberty of differing with you.

The chair recognized the delegate from Lorain [Mr. REDINGTON].

Mr. REDINGTON: Mr. President and Gentlemen of the Convention: I am sensible of the fact that speaking at this time it will be impossible for one of my calibre to make any new suggestion on this subject. I realize that the many speakers have covered the subject fully, but I assume I have the privilege of pointing out certain things that I wish to criticise and also of emphasizing certain things that I think ought to be emphasized.

First, I want to put myself on record as being well satisfied with the republican form of government. I appreciate that our ancestors were statesmen and farseeing and built the best government of any people ever selected at any time in the history of the world, and I do not believe that any gentleman need spend his time with this audience in telling them about the parliament of England or about this government or what it has done. Most of us learned these things when we attended the public schools, and I think we should spend our time discussing the proposition face to face as to what is the proper thing to do now. I realize and I think it is conceded that our republican form of government has been somewhat abused, especially in Ohio, and that the men we have elected to honorable positions in the general assembly have not always been honest. They have sometimes betrayed their trust. That is not the fault of the government, but the fault of the men whom you have selected to occupy that honorable position, and I take it as an extraordinary disgrace upon the state of Ohio that some of the men whom you have seen fit to select for that position would hold themselves so cheap that they would sell their honor and the state for the price of a Kentucky mule, that they would be of such a character as to be influenced by a bag of peanuts. In the industrial world they are looking for men of intelligence, men who can command a price in the shops and the factory and the railroads; they are looking for and selecting \$5,000 and \$10,000 a year men, not so with the state. We have men in the state who are honest, and if you place honest men in charge you will have no fault to find with the repre-

sentative form of government. We will all concede that. There is no use of arguing on that subject. We have the best government in the world. Now it is said if one, two or three of the members of the general assembly are dishonest and corrupt that we must simply select their successors, and we must wait to select their successors. Is it against representative government when we take the whip in hand and say to them, "You have failed in your duty and we will see that that any particular law is passed that we demand?"

We often find that when the general assembly meets there is a certain body of men known as paid lobbyists, who have seen fit to meet at the same time and place. It seems to be conceded that this body of paid lobbyists have had some influence upon the members of the assembly and what we are fighting against now is not the form of our government, but the men who have been elected to exercise the authority that we have given them and have not exercised it properly. We are not trying to substitute direct government for representative government if we undertake by temporary measures to undo what they may do, or to take charge of the lawmaking power to do what they ought to do when they have neglected to do their duty and go no further.

Now it seems to me if the people see fit under what you may call the initiative and referendum, on certain occasions, to rectify a wrong and by simply voting what corrective law shall be used, not all the time, but only now and then, when necessary to help strengthen and carry out representative government, that you charge us wrongfully when you say we are seeking to supplant representative government by direct legislation.

We must bear in mind that whenever this bill becomes part of the constitution that it will belong to all the people, that big business can use it just as well as small business, that any class in the state can use it, and I take it that the class that will attempt to use it most will be its enemies. I take it that the class in favor of it will see to it that it is not used very often or at all. You call it an instrument or a machine to carry out the will of the people. I say if it becomes a part of the constitution, that the first time you ever undertake by the initiative to pass a law the people of Ohio will be watching more closely than they ever watched the first automobile that went down the pike, and if it does not accomplish good results you will not dare use it the second or third time, because if you do the people of Ohio will wipe it out of the constitution and seek some other remedy.

I imagine that these gentlemen who are opposing it now, the people belonging to the big business of the country, will seek to wreck the "automobile" and wear it out or make the people disgusted with it so that it won't last long or remain in the constitution.

When I vote for this measure, I vote for it as a temporary, corrective measure, and not as substituting direct government for representative government.

For one I must admit that while I don't intend to be stubborn about it and set my judgment up against that of the majority, I say that I am in favor of the indirect initiative for the passage of laws, because that comes nearer to our form of government, and also gives a chance to the electors for inspection of the law and thought thereon and by that we can gain the end sought as well as by direct legislation, and I hope in the end

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that the indirect initiative for the passage of laws may be the measure adopted.

I have been somewhat surprised at the anxiety and fear displayed by the gentlemen who have opposed this measure. If this law is passed—the direct initiative—they claim the bills will not be in proper shape, and gentlemen have taken up a good deal of your time to show you where mistakes have been made in even the proposals that have come before this body. I take it that it is no reflection upon the people who prepare these proposals that there are mistakes in them. As I remember in the Municipal committee we have a proposal before us that has been prepared by learned gentlemen in the city of Cleveland. They have given this subject much thought and we have been amending it ever since it was offered in the committee. You ought to see it now. It looks like a crazy quilt, and we expect it to be torn to pieces more than it is now at some future time in this body. I suppose the Crosser proposal has mistakes in it, but that is not a reflection upon the people who prepared it.

Now, the gentlemen opposing this matter go further, and say that the bills that will be proposed in the future will be full of holes and defects. What if they are? What do you care? The bills will have to be published, and gentlemen here present will have a chance to inspect them, and if they find holes and defects in the bills they will publish the facts. Other gentlemen throughout the state will find some defects and they also will be published, and you will find out by the time of election day that the people who propose the bill, won't vote for it, and if they do undertake to pass it and enforce it the courts will not sustain it. It seems to me they ought not to be worrying the people about that. It reminds me of a story of a gentleman who came to me and said he had a chance to get \$10,000 worth of stock in a certain company for \$5,000, and he was worried about where he could get the money. Afterwards he asked me if I could let him have the \$5,000 and take the stock as collateral. I told him, "No; when I take the gamble I take all the profits and stand all the losses." After that he came to me in great glee and said he had the money and he had the stock. I asked where he got the money and he said he went down to a certain bank and through the influence of an officer of the bank they had loaned him the money and taken the stock as collateral. A few months after this I met him and said, "I understand that company in which you bought stock isn't worth much." He said, "It isn't worth a damn." I said, "Well, it is too bad. I presume you are worrying a whole lot about paying the note you gave." He said, "Worrying? Didn't I worry to get the money? Let the people down at the bank worry to get it back." So let these gentlemen who are opposing us quit worrying and get this proposal in shape and then if it doesn't pass it need not worry them.

Now, this is my belief. What I say I say for myself only. I do not stand sponsor for anyone else. If we are bound to have both the direct and indirect initiative for laws, then it should be provided that the constitution may be amended easily by this same proposal.

You will have in your constitution, the same as now, ways and means for amending the constitution, and if we have the direct initiative I say we should be able to submit to the people the question of amendments with

small percentages, so that we can wipe the whole subject out of the constitution easily if we want to do so; then we may protect ourselves against this measure. I do not see any sense in having twelve or fifteen per cent for an amendment to the constitution, when you leave other provisions in the constitution that we now have under which you may amend the constitution. We insist that you put the life of this proposal at the mercy of the people so that at any time they desire they can strangle it.

I also believe, for myself and no one else, that we should not tack on the single tax proposition or any other proposition. Why not as well put into this proposal that it shall never be used in any way to control labor unions or to affect laws in regard to good roads or the liquor traffic or some other occupation or business? In my judgment you have not a dozen singletaxers in the whole Convention, and in my judgment the state of Ohio, with thousands of home owners, with thousands and thousands of people interested in real estate, the time is very far distant when anybody can force the single tax on the state of Ohio. Whenever the time comes that a majority want it, they will get it, whether they have it in this proposal or not. I think it is unfair to make the single tax as prominent as you are seeking to make it. If you really believe at heart that there is danger, make it the subject of a separate proposal, and let it go up or down at the election as the people of the state of Ohio wish, but keep it separate from the initiative and referendum, so that the people believing in the initiative and referendum may have a fair trial before the people and not have this proposal encumbered with another proposition. If you want to make that question a separate proposal well and good.

Now I am especially interested in that part of the pending amendment that undertakes to say we can not have classification of property. In this you are undertaking to render judgment against me before I can be heard. I am a member of the Taxation committee, and I want to say something when the time comes. I believe in the classification of property and I will not vote for such an amendment now. I have an opinion on the subject of taxation and I want to be heard. It is a big subject, one of the greatest subjects that will ever come before this or any other Convention. That is a permanent matter. This subject of the initiative and referendum is simply a temporary measure, and it sinks into insignificance in comparison with the taxation matter.

I do not regard the initiative and referendum, if properly safeguarded, as a very great or dangerous measure. The taxation question is a great subject. It affects us all, and I object to your tacking on here something in regard to taxation when that is not the subject under discussion. When that subject is reached I believe several of us will have a few brief remarks to submit. There are twenty-one members on the Taxation committee and we all have our opinions. When we come to that subject we expect that there will be a contest. Now don't cut us off in this proposal; let us have that subject by itself and for ourselves.

Now in regard to percentages. When I was a candidate they asked me what I thought about percentages and I said about twenty in all cases. I had in mind special elections at that time, but after I came to Columbus and

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found that was abandoned and we were not to have any special elections, and as that expense was wiped out, I didn't regard such a high percentage necessary and I don't care particularly what the percentages are, if the measure goes through the legislature, but if it is to be direct legislation, so far as the initiative is concerned I think it should be ten per cent of the electors, scattered throughout the state of Ohio, because if a proposal is worth anything it should command the signatures of that many.

Again, you will find the people interested in large concerns and large business will use it more often than you or than the common people do. One would think, from the discussion, that it is the poor, common few that are going to use it; I don't think it will turn out to be so in actual practice. I think the other class may be anxious to have the initiative and referendum and will bring in plenty of bills and have them passed.

As I say I am in favor of the indirect initiative, but if you are going to have both, the percentage for the direct should be higher than for the indirect. If you only have the indirect initiative, I don't care what per cent you put upon the measure. If you have the direct, I do urge you not to put too low a percentage on, where it refers to the amendment of the constitution. That should be saved for the recall of the measure.

Mr. JONES: If I understood the gentleman aright, his position is that legislation under representative form of government is conceded to be the best?

Mr. REDINGTON: Yes; I say for myself that it is the best.

Mr. JONES: The only objection you have to the practical administration of the representative form of government is that the representatives are not to be relied upon at all times because of corrupt influences?

Mr. REDINGTON: Not quite so broad as that. Not all, but some.

Mr. JONES: I submit, if that is true, whether the remedy should not be toward correcting these few members of the legislative bodies who are thus found to go wrong, rather than to change the system of legislation?

Mr. REDINGTON: I would like to ask the gentleman for his remedy. We have been aware of the fact for years that some of the members that come down here are corrupt, but if you have in your hands as the only remedy the waiting until their successors are to be elected, you are just as liable to get bad men the second time as the first time and the people suffer thereby.

Mr. WOODS: Is not the answer to your question a reference to the Franklin county court house right now?

Mr. REDINGTON: I do not want to be personal. I do not know how those people feel; it is a delicate matter and they have relatives and friends.

Mr. JONES: Won't you concede that if the remedy to which reference has just been made is effectively applied it will cure the evil?

Mr. REDINGTON: It comes too late and we are wronged.

Mr. JONES: We are now legislating for the future. If that remedy is effectively applied, or some remedy equally as efficacious as that is applied, will not the evil disappear?

Mr. REDINGTON: We have had a right to apply

that remedy for years—I don't know that I ought to say anything about the judiciary or about the officials of the courts, but we do know that some trials have been a farce on account of politics, and no matter if we do have that remedy I can see no harm in people taking the remedy in hand as asked for here as long as they take it for a corrective remedy and not to be permanently used.

Mr. JONES: Can you explain to us how you can have legislation at the ballot box without its being direct legislation of the people and diametrically opposed to legislation by representatives of the people?

Mr. REDINGTON: If the gentleman means to apply that to all legislation, I have not anything to say, but I thought I made myself understood that the people should use it only in specific cases, where circumstances warrant it, and then they should also have a right to legislate upon the bill passed and to veto it.

Mr. JONES: Then does it not follow that if it is to be applied only occasionally it amounts to an abandonment of legislation by representatives chosen by the people to the extent you use it?

Mr. REDINGTON: You cannot have a corrective measure without using it sometimes. I also answer no.

Mr. JONES: If the principle of the direct legislation is vicious and wrong and not as good as legislation by representatives, why do you want to employ it in any case when the evils you seek to remedy can be reached otherwise?

Mr. REDINGTON: I do not think your conclusion is justified by the premises you take. I do not say it is vicious. I simply say that I do not favor direct legislation for the whole state at all times; I say that I am satisfied with representative government, and I only want direct legislation as a corrective measure when it is absolutely necessary to protect the rights of the people.

The president recognized the delegate from Summit.

Mr. READ: This Convention illustrates to my mind what the state of Ohio would be with its elective franchise after the initiative and referendum has been put into operation for some years—that is to say, members of the Convention have come here and they have lined up and rallied around certain principles as principles.

The first subject was good roads. There was a line-up on that. Nobody asked whether anybody else was a democrat or a republican. We lined up according to our own convictions on the proposition. I do not yet know the politics of half the members here. Each one took his stand as his conscience and reason dictated in the forming of his opinion.

When the next subject came up there was a breaking down of that line-up and a readjustment of individuals under another banner, and so it has been each time as we have proceeded. Each one has conceded to every other person his right to express his own opinion and to hold to his own views unless convinced by argument of those who hold different opinions. That is the attitude of mind that we should hold, and if the initiative and referendum were in full force in the state of Ohio it would have the effect of wiping out those party lines to a great extent.

There has been so much said upon this question on both sides, pro and con, that while it is a subject in which I am very much interested, I hardly know what

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to say that has not already been said, and probably what I do say will be to some extent a reiteration of a former expression of views by those who have preceded me.

But before I say anything about the initiative and referendum, I want to speak a little about the "bugaboo" of the single tax. I believe that epithet was objected to. Along with the two speakers who have preceded me I have most emphatic objections against having the single tax or anything else tacked onto the initiative and referendum. In the first place, it is a denial of the principle of the initiative and referendum to insert anything in it that is extraneous to the subject. Why make any exception of anything? Is not the initiative and referendum a principle that applies to all questions and all problems? Is it not an instrument under which you can bring about anything you may desire, and, if you favor the initiative and referendum because you believe in it, and you vote for it because you want to manifest your confidence in the people, would you then turn around and deny that you have that absolute confidence in the people by refusing universal application to the principle?

A chain is no stronger than its weakest link, and an initiative and referendum proposal is no stronger than its weakest clause. Any inhibition as applied to any question that may come up under it would be a weak link in this proposal and make it a defective and inefficient instrument.

The initiative and referendum has four prominent corner stones — first, universality of application; second, fairness in approving or rejecting any proposition; third, absolute confidence in the people deciding questions for themselves; and fourth, full and free opportunity for any person or persons to get up a petition and secure signers for a vote upon any proposed measure affecting our social and economic welfare.

Thus it is seen that this inhibition preventing the submission of questions relating to the single tax, takes away from this foundation each of its four corner stones.

How long would any structure stand built on a foundation with the corners of that structure demolished or wholly absent? This inhibition forbids the building of any corners to the foundation.

I would rather have no foundation for popular enactments than have such an imperfect and half-hearted provision for the initiative and referendum; for, in the first place, it is a positive denial of the prime virtue claimed for the principle. In the second place, it would be very unsatisfactory and would fail to accomplish its original purpose.

Now, since the single tax has been injected into the discussion of this subject, it is but just and right that the attitude of the singletaxers in relation to it be fairly and clearly interpreted and understood. That is something we owe to them.

I need not volunteer my own opinion on the single tax, but I will view it from an absolutely independent standpoint. Evidently, what are the facts?

With a logic highly commended by some of the ablest thinkers and political economists in the country, and purporting to be actuated by the sincerest of philanthropic motives, Henry George came to what was to his own satisfaction the inevitable conclusion that the single tax in full operation would compass the greatest economic reform, and would be the greatest moral and material

benefit to fall to the lot of man. And Henry George was a man who had a heart which beat in unison with human hopes and a mind that perceived the glory of human destiny.

There are many persons in this and in other counties in Ohio who believe the single-tax doctrine has merits of surpassing excellence and that its application would insure justice to all and be a blessing to all. Now, this being the case, is it not natural and proper in every sense of the word, in short, is it not the part of good and philanthropic citizens, who believe in this doctrine, to desire to see it in operation in order that their fellow men may be benefited thereby? I fail to see anything selfish, ignoble or harmful in this desire, even if such a consummation is in mind when they are advocating the adoption of the initiative and referendum. Is there any man in the state of Ohio who does not hope that something that he wants to see in operation may at some time come up under the initiative and referendum? And is there anything wrong in the singletaxers having that desire? Is there anything wrong with anybody who holds to any economic question having a desire to have it come up? We cannot take any exception to that. If the principle of the single tax is ever proposed, let it come up and be dealt with openly and without dissembling, but let us not fight our battles until we can come within firing distance of the enemy. If the single tax ever should come up for disposition under the initiative and referendum, then let the member from Ashtabula [Mr. LAMPSON] and the member from Allen [Mr. HALF-HILL] and all the other members here on that side, lead their triumphant legions to the polls and bury it so deep that Gabriel's trumpet intensified ten thousand times would not be able to wake it from its horrid nightmare. That is an opportunity you have, and that is an opportunity the singletaxers now want to give you, and if the singletaxers want to be wiped off the face of the earth, why not give them an opportunity to be quashed and finally extinguished?

I object, therefore, to having the single tax or anything else in this proposal that will limit it in its full and free use.

Another thing has been suggested in the same line, namely, that class legislation shall not be initiated by petition. Why, friends, if there is anything that will wipe out class legislation it is the initiative and referendum. If there is anything that puts the people all in one class it is the initiative and referendum, so it is folly to talk about that.

Another thing is that the petitions shall be confined to taxpayers. I would like any gentleman in this Convention or anywhere else to tell me how they can draw a distinct line of demarkation between the citizens of this country who are taxpayers and those who are not taxpayers. Every citizen who labors with his hands or mind is a taxpayer whether he owns a foot of ground or not a dollar's worth of property on the tax duplicate. He is a taxpayer all the same, not directly but indirectly. Some persons pay far more taxes indirectly than others who pay directly. In fact, a large proportion of persons who pay taxes directly get the money to pay those taxes from some persons who do not pay taxes themselves directly. You cannot draw any line of distinction. You cannot confine the settlement of any question to property

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taxpayers in this country and be just. The only persons who do not pay taxes are hobos and idiots, who do not earn anything, and even they eat and wear something upon which taxes have been paid.

That the proposed law should not be adopted by less than a majority of the whole number of electors in the district so voting is another proposition that has been put forth. Does it occur to you that such a proposition is minority rule and not majority rule? Majority rule means a majority of votes cast upon any proposition, a majority of those who think enough to vote, not a majority of all the citizens, not a majority of those augmented by them who are too ignorant or too indifferent to know anything about laws or to care. Take for example a village with one hundred individuals in it when some proposition comes up to be voted on. But seventy-five persons vote on that proposition and out of that seventy-five, forty-five vote in favor of it and thirty vote against it. Now the forty-five electors who vote in favor of it, in contradistinction with the thirty who voted against it ought to be sufficient to carry it, but if it must be a majority of all the votes in the district then there are only forty-five votes out of a hundred in favor of it and it has not a majority. It will require fifty-one votes to be a majority, and therefore it is lost. What does that mean? It means that the thirty who voted against that proposition, the minority, ruled; that they carried their point and the forty-five, the greater number of those voting, lost. Hence, any proposition disposed of in that way leads to minority rule instead of establishing majority rule.

Some one today has mentioned something about the cost of printing, etc. The cost of the initiative and referendum is very slight compared with the benefit it will be to the people. It costs a great deal to keep up our public schools, but who would think of abolishing them on account of the cost? The cost of the printing required by the initiative and referendum under the proposal now before us would be a mere bagatelle. There can be no valid opposition that will withstand any logical argument on that score.

Another thing that some people seem to be afraid of is city against country. That was referred to the other day and was logically disposed of by the member from Cuyahoga [Mr. FACKLER], who showed the relations existing between the city and the country, and that the city people could not afford to vote upon any question that would be a detriment to the country people and vice versa, because they have not only ties of relationship, but also ties of financial interest which confirm the assertion that anything that will be a benefit to the city will also benefit the country, and anything that will benefit the country will benefit the city. That is true not only in a material sense, but in a moral sense as well.

Now as to the percentages. I think the percentages as given in the proposal are high enough, if not too high. They are almost too high to suit me. They could be lowered and still be high enough, but I hope there will be no successful effort to make them higher than they are.

There has been so much said about the difficulty of getting signers and also about the ease of getting signers, there is but little left to say on either side of the question. It has been suggested that the petitions could

be left in saloons and other places of rendezvous for loafers and get all the signers required. One gentleman remarked that he could go out and get the full quota of signers in his county in one evening to hang the best man in the county. I don't know how highly he prizes the best man in that county, but I do know it would be difficult to get that quota in some counties for any such purpose. Of course he was merely drawing on his imagination. I think you will find, when you start out to get petitions for a law in which the people would be interested, they will want to know something about it. They will be careful about signing petitions unless they feel that such a law if put in operation would personally affect them, beneficially or otherwise.

As to the question of a general demand for a proposition before it should be forced before the people for consideration, I would call attention to the fact that the most important social problems that have been and are before the country have been presented as a rule by very few men. So it is with nearly all the great and useful improvements we now enjoy. It was one man who discovered how to run steamboats. Morse alone invented the telegraph and Bell invented the telephone. Many things have small beginnings which gradually develop until they assume mighty proportions. Some men have good ideas about social problems they have thought out and developed from research and investigation, and perhaps only a small portion of the rest of the men know anything about them; yet after they are understood and put in effect they will be found to be most beneficial to the state. One preliminary of putting such a proposed measure into effect is to take out a petition and get signers enough to place the proposed law before the people and they may study it out and vote on it intelligently, and if you get forty thousand signers or eighty thousand signers, as you would have in the direct initiative, you will find that out of that eighty thousand there will be at least twenty or thirty or perhaps fifty thousand men who have thought seriously over the subject. Suppose the majority of those signed it carelessly, or simply at request, there would be enough men signing it to know what they were doing to guarantee that it would be worthy of the consideration of the people at large.

Now where the best and most effective safeguards of these propositions come in is with the people, when the question is submitted to them. I do not look upon it as any disparagement that persons may get up petitions for a number of measures to be proposed to the people. It is a matter of education to the voters, and even though a proposal may be put up and turned down overwhelmingly, after it has been discussed those who got up the petition will have learned something from their opponents, they will have found out something they didn't know before, and those who voted against it also will have gotten some new ideas. There is another thing about that. Until the people are ready for a law, and are prepared to put it in force, it will be of little use to them. Therefore, by submitting questions to the people you will find out one important thing, whether they are ready for it or not. If a majority are in favor of it, then they will want to carry it in operation and will vote for it, but if a majority are opposed and do not think it will be a useful law, they will not vote for it and it will be rejected. People sometimes make mistakes, but

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as a general thing they are right, and measures coming up for consideration, even if they are defeated, will be a matter of education to the people. There is no possible way of correctly estimating the value of the education obtained by the operation of this principle.

One of the greatest barriers to the progress of the country is that the people do not properly study economic questions. They do not give enough attention to those matters. What means could you possibly devise by which the people would become so much interested in the question that concerns them as the initiative and referendum? We are living today in an age of mind. We are passing through and leaving behind the dense material age. We have reached the acme of commercialism. The mad race after the almighty dollar is slackening its pace. There is looming up in the distance the star of hope, the revelation of a nobler life, an age of the Brotherhood of Man.

The spirit that prompted this movement for popular rule and invested it with vitality and activity is the harbinger of a glorious future, and the initiative and referendum are its fitting and feasible agents.

We should not then turn aside or view lightly any question or any practical agency that will educate the people; that will raise the standard of citizenship.

The distinguished gentleman who addressed us last week referred to initiative and referendum men as having charge of the people. We do not have and do not want to have charge of the people. We desire the people to have charge of themselves, and that is what we are fighting for all the time. It is not that we have charge of them; we do not want to have charge of them, and we do not want you to have charge of them, but we do want them to have charge of themselves. We do claim to have an interest in the people, and we believe it is to their advantage and will be for their benefit if they have the privilege of conducting their own affairs and right to rule themselves. We believe that they will give more attention to laws than it is presumed they will. That they have given more attention to laws in Oregon, than has been stated upon the floor of this Convention that they have, is a fact. The discrimination that they have shown in voting on laws demonstrates beyond a doubt that they have given serious and careful attention to the laws that have been proposed, even though those laws did run up as high as thirty-two in number. I do not suppose we will ever vote on that many laws in the state of Ohio. I do not suppose that under the initiative and referendum we will ever vote on more than one, two or three laws at one time, and what intelligent voter is there in the state of Ohio that would not be able to give due attention to two or three statute laws during the course of sixty or ninety days to make up his mind how he should vote upon them?

Those who do not care enough about the matter to vote, let them do as they do in Oregon, disfranchise themselves, and leave the intelligent people to approve or reject the measures proposed.

Mr. HALFHILL: What reason have you for thinking the people of Ohio would be any the less industrious in petitioning for laws under the initiative than the people of Oregon have been?

Mr. READ: In the first place, the people of Ohio have not as many different ideas of law as the people of

Oregon. Oregon has a great many philosophers of all kinds, economic philosophers especially, much more so in proportion to their total population than Ohio. I speak from personal knowledge, because I lived there for nine years. The people of Oregon pay more attention to economic questions and are more desirous of having different laws proposed to the people than are the people of Ohio. Judging by my experience with the people of Oregon, and comparing them with the people of Ohio, that is my judgment.

Mr. DOTY: Is it not a fact that Ohio now is very well equipped with a large number of laws — to the extent of fourteen thousand — and is it at all likely that Oregon has that many and therefore they are bound to be more industrious than we are?

Mr. READ: Yes; the legislative session in Oregon is very short and they do not pass as many laws. There is more intelligence in Ohio, but I don't believe there is as much intelligence in Ohio in proportion to the population as in Oregon, and there is not as great diversity in opinion in Ohio upon these questions as in Oregon. That is very clear when you think that people come from all states in the Union into Oregon. Some of the best minds of the East have gone and settled down in Oregon.

Mr. HALFHILL: Have you taken a careful invoice of this Convention as to diversity of opinion?

Mr. READ: Yes. This Convention is very much like Oregon. I think if it depended upon this Convention there would be a great many laws proposed, but the people of Ohio, generally, don't entertain such diversity of opinion in proportion to their number.

One of the greatest advantages of this proposition is the educational value. If you would rob it of that, you would take away the greatest virtue it has. While I do not disparage in any sense of the word the benefit it would be in making laws, the greatest benefit of all is the education of the citizenship of the state. There is an old adage which says if you want to keep bad thoughts out of the mind put good ones in it, and if you want to educate the citizenship of this country you have to give them something to think about and study over and get interested in.

Mr. JONES: If I understood you correctly, you said a moment ago it would never be used in Ohio, perhaps never more than two or three laws proposed?

Mr. READ: In any one year.

Mr. JONES: Then where will the educational benefit come from if it is not used?

Mr. READ: If only one law is proposed it would be a benefit, and if there should be no laws proposed, still the people would be thinking about possible propositions and studying over them from the fact that they would think they might get their legislators to present them. Now they don't study over them, because they have no opportunity of getting those laws before the people, and if there should only be one law in two or three years, it would still have an educational value. Out in South Dakota they had the initiative and referendum in operation eight years before they used it, and yet I am reliably informed that it had the effect of raising the standard of citizenship in that state. It had the effect of abolishing the lobby from the legislative halls, and it made the people pay more attention to economic ques-

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tions and all those problems which are of interest and value to a state and its government. The principle was there, the machinery was in the hands of the people to be used at any time they desired to use it, and it hung like the sword of Damocles over the head of the legislator, ready to fell him at any time he was derelict.

Mr. JONES: Will you tell us how you arrive at all these conclusions, what you have to base them on?

Mr. READ: I have evidence of them from the report of the governor of South Dakota, of the legislators and other officials of that state. The governor of South Dakota three years ago said that though the law had never been used, had never been called into action, it practically had the same effect as if it had been used. He said the legislators were careful to pass only such laws as they were satisfied the people wanted, that they gave more serious attention to the laws passed, that the lobby had disappeared, and while it had not been utilized it had the desired effect without being called into operation.

Mr. RILEY: I know a young lawyer who is practicing in South Dakota and, like the gentleman from Fayette, he is also a banker. He told me within three months that there had been so many propositions voted on in South Dakota that they had abandoned the scheme of publishing proposed laws in full because of the enormous expense, and that they only publish the titles of the laws proposed. You say that is not true?

Mr. READ: Yes; I would say that is not true, or I have been woefully misinformed as to South Dakota. Was that South Dakota?

Mr. RILEY: Yes.

Mr. READ: I am sure South Dakota had not used it for eight years. There was never a petition for eight years. That man must have been dreaming out there. They may have used it in the last two or three years. Did he have reference to the last couple of years?

Mr. RILEY: I did not question him as to the particular time to which he referred. I have just stated what he said, and I believe what he said.

Mr. READ: I do not mean to say that it may not be true as to the last two or three years, but for eight years before that it was not used at all.

Mr. RILEY: I am not controverting that. I don't know anything about that.

Mr. READ: All right, we won't fight over that. I believe I was saying something about the citizenship of the country when the interruption came. The government is the product of the citizens. The stream can never rise higher than its source, and consequently the government will not be any better than its citizens, because the citizenship of the country is the source of government, and therefore, if you want a good government you must have a good, strong, moral, upright citizenship. You must have an intelligent citizenship, and the greatest benefit that we can confer upon our fellowmen is to educate them, to induce them to think, clearly and logically, and, above all, to think nobly and in a fraternal spirit, and thus will justice and honor be woven into the warp and woof of their character and life, and when all men are so constituted all will be good citizens and the government founded upon such a citizenship will reflect the virtues of that citizenship in just laws, in equal

opportunities and in wise and helpful regulation. "Tis a consummation devoutly to be wished."

The consensus of public opinion has been well defined as the genius of humanity. And can you not believe that that genius of humanity, that combined thought and judgment of the people at large, far exceeds that of a single individual? Kossuth, that distinguished foreign statesman, in one of his great speeches in this country, in speaking about this phase of this government, said:

The concentrated wisdom of a great people moving onward in the progress of a just government, in the cause of human rights and the equality of the human race, is superior to the wisdom of the greatest rulers who have ever lived.

A good deal has been said about what Franklin and Washington and Jefferson and Lincoln thought of this subject, and many quotations have been made from them, but some of our more modern statesmen have also said something on this question. For instance, James G. Blaine, in his publication "Twenty Years of Congress," made this observation in the course of his great national work:

Phrasing of a specious type can deceive an individual far more easily than it can deceive a multitude of men. The quick comprehension of the people so far transcends that of a single person as to amount almost to the possession of a sixth sense.

Then there were others who spoke in the same line, Chase and Sumner and Thaddeus Stevens, statesmen of Civil War fame.

Charles Sumner, in the United States senate in 1866, introduced a bill which in essence was in these words: "Be it resolved that there shall be no oligarchy, aristocracy, caste or monopoly invested with peculiar privileges or powers."

In commenting upon the idea embodied in his bill and in pleading for justice to all men, popular sovereignty and impartial suffrage, he said: "The ballot is a peacemaker, a schoolmaster, a protector." He then remarked further:

The Roman Cato, after declaring his belief in the immortality of the soul, added that if this were an error it was an error that he loved, and now, declaring my belief in liberty and equality as the God-given birthright of all men, let me say in the same spirit, if this be an error, it is an error which I love; if this be a fault, it is a fault which I shall be slow to renounce; if this be an illusion, it is an illusion which I pray may wrap the world in its angelic form.

Paraphrasing Senator Sumner, I say if it be only a hobby to believe in the people's power and direct legislation, it is a hobby that I love, and I have unbounded faith that should it ever be dispelled by a still brighter sunlight that, departing, it will leave its benediction on our beloved commonwealth.

Friends, this that we are advocating is an undying principle we are adopting means to apply. It was born with the evolution of man. It flourished in Athens and

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was the inspiration of Cicero in the forum at Rome. King Alfred sought it for guidance.

William Tell declaimed it in the picturesque mountains of Switzerland and his native land has immortalized it in history. So is the abiding truth confirmed through all the changing scenes of time. It indited the Magna Charta and the sun rose on English liberty. It glowed in the Declaration of Independence and a new nation was born.

"The stars shall fade away
The sun himself grow dim with age,
And nature sink in years
But thou shalt flourish in immortal youth
Unhurt amid the war of elements,
The wreck of matter and the crush of worlds."

Principles ever remain the same, but the method of carrying out those principles in one generation must necessarily differ from the method used in a former generation, because the conditions and time have changed.

It was said from this rostrum today that Thomas Jefferson was not in favor of direct government. Thomas Jefferson was in favor of getting the government as close to the people as it was possible to get it, and he declared over and over again that the closer the government was to the people, the more directly the people can act with the government, the better for the government, the better for the people; and Thomas Jefferson recognized at that time, as did a great many others, that direct legislation or pure democracy for such a time as that was impracticable. And it was very easy to see how it would be impracticable. The country was but sparsely populated. Polling places necessarily were far apart. It was a hardship to get the people together, and they had no telegraphs, no railroads, no daily newspapers, and no means of communication with each other. The times and the conditions were altogether different than what they are today.

Thomas Jefferson was in favor of getting the people together whenever it was practical to do so and have them take a direct voice in the government, but he knew it was not practical at that time in this country. If Thomas Jefferson were living today I am satisfied he would be in favor of the initiative and referendum, and not only in favor of the indirect initiative, but of the direct initiative as well.

It is also easy to see why pure democracies did not flourish, as has been said, in Athens, and why a pure democracy did not meet the expectations of the people there. It is because the people were not prepared for that kind of government at that time. Now, with all the facilities we have of easy communication, one with another, and the ease with which we can get knowledge distributed throughout the country and every morning read the news of the whole country of the day before, you can readily see how much more practical pure democracy would be at this day and generation than in the age when Thomas Jefferson lived.

And in order to have pure democracy or in order to have direct legislation, it is necessary to have some instrumentality to bring it into operation, and human ingenuity has therefore given us the most feasible and practical means it could devise for carrying out time-

honored principles. That agency is direct legislation through the initiative and referendum.

This is no abandonment of representative government, but only an instrument to be used in connection with and in addition to representative government.

It means that the people have not delegated absolutely and forever all their power and rights to representatives, but have reserved the right to recall that power to be used by themselves when conditions and necessities require it.

And in order to include and meet all those requirements the people must have the direct initiative as well as the indirect initiative.

Why limit and modify the action of the people in the exercise of their rights? They demand direct legislation, why refuse them that demand?

Is not this denial of a full and free exercise of their own right and their own power a most striking evidence that we do not fully trust them?

Why not bestow upon them absolute confidence, coincident with the absolute power we attribute to them?

Far be it from me to decry the virtues of our representative government, which for many years so fully met the requirements of an expanding and majestic republic. It is far from the intent and purpose of direct legislation advocates that this form of government be abolished, or that representative government be abandoned.

That seems to be a favorite argument of the opposition to the initiative and referendum, that they will destroy representative government.

While direct legislation means the people at large making the laws, without the intermedium of the legislature, we who advocate the rights of the people to legislate direct do not for a moment hold that all laws should be made in this way, nor that any considerable portion of them should be enacted by the people. Not one-tenth, nor one-twentieth, nor one-fiftieth, nor perhaps one one-hundredth of the number of statute laws that are considered by the general assembly would be submitted for a vote of the electors. It is only when the legislature fails to act in accordance with the public demand that this reserved power of the people would be called into action.

Therefore, the statement that it will destroy representative government is preposterous. Instead of a destroyer of representative government, we offer you its conservator, with power to rescue it from the selfish, crafty schemers who manipulate it to secure special privileges. We propose means to free it from annoyance and danger and make it more representative, more stable and more reliable.

As it has been in South Dakota, the fact that the machinery for utilizing that power—inherent in the people—is ever ready for quick and decisive action would obviate the necessity for using it, save on some far-reaching and vital question, or when some perplexing problem comes up demanding the consensus of public opinion as a guide and arbiter.

When the information goes out from this body that the Fourth Constitutional Convention of Ohio has placed the stamp of its approval on the initiative and referendum as instruments for perpetuating popular government, let it be accompanied by the additional informa-

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tion that the principle of direct legislation, thus approved, is not a destroyer but a preserver of true representative government. Let it be affirmed that it will have the effect of bringing representatives into closer touch with their constituents; that it will make them more familiar with their needs, and more responsive to their will.

Let the truth be indelibly impressed on the minds of all Ohio citizens that the doctrine we thus teach, that the principles we thus avow are in full accord with the sentiments of our forefathers that "All good governments derive their just powers from the consent of the governed." We are now but reaffirming our loyalty to that doctrine and adopting a practical means of perpetuating and ennobling our state government along the lines of that eternal verity.

There is more in this exercise of popular government, gentlemen of the Convention, than appears on the surface. There is more in it than the mere voting on laws and the practice of sovereignty. It is the recognition of the value of an individual man and of the paramount virtue in collective thought and combined judgment. It demonstrates the interdependence of human beings and the solidarity of the human family.

Our national founders, evidently, had a deeper conception of this law of unity than we seem to have. Every state document they wrote bears evidence of co-operation with and confidence in their countrymen. Their message comes to us today in this Convention and in this new era of progress with peculiar force and impressiveness, and we should revolve it in our minds until we have a deep and solemn conviction of our duty and responsibility as related to the progressive movement in Ohio. Will we rise to the occasion, improve the opportunity now before us, and place Ohio among the leading, progressive states of the Union? Will we make her responsive to the message that comes down to us from the graves of our honored ancestors? Shall the great commonwealth of Ohio have that faith in man, that trust in final triumph of right and justice that she will confide her hopes, her welfare and her destiny in the hands of her own people?

Mr. HALFHILL: If I understood you correctly, you said you objected to the amendment of the delegate from Ashtabula because it was wrong in principle to put any such inhibition or any inhibition on the rights of voting laws directly by ballot. Is that correct?

Mr. READ: Yes, sir.

Mr. HALFHILL: I believe you said there would be a small number of laws proposed and voted for at the ballot box, and that was one reason why there should be no inhibition on the rights of the people —

Mr. READ: That is not the reason.

Mr. HALFHILL: That is one reason.

Mr. READ: Your reason.

Mr. HALFHILL: One reason; when the people vote laws directly at the ballot box they are discharging the purpose and function of the legislature, are they not?

Mr. READ: When they vote on laws, yes.

Mr. HALFHILL: Is there any reason why inhibition against unwise legislation should not run against the people when they legislate as well as run against the legislature when it legislates?

Mr. READ: How is that? I do not know that I catch the question.

Mr. HALFHILL: I will put it this way: There are thirty-two sections in article II of the constitution and in every section there is "shall" or "shall not" that governs the legislature. Many things are expressly forbidden to be legislated on, in the constitution. What objection is there on principle to forbid some things to the people when they exercise the power to legislate?

Mr. READ: That would be their privilege under the initiative and referendum.

Mr. HALFHILL: But do you mean to say from your argument there should be no constitutional inhibitions or restrictions against the people voting upon what laws they choose to have at the ballot box?

Mr. READ: The people can make any inhibition they please, but I say this Convention has no right to make inhibition against any proposition that should be submitted under the initiative and referendum because the initiative and referendum are to give universal opportunity to all citizens and any citizens to propose anything they desire, and you would place an inhibition against electors voting on single tax, and you would therefore destroy one of the prime fundamental principles of the initiative and the referendum when you do that.

Mr. HALFHILL: What do you do with an inhibition like this: "The general assembly shall have no power to pass retroactive laws or laws impairing the obligations of a contract," or "the general assembly shall have no power to grant divorce," "the general assembly shall exercise no judicial power." Now, when the general assembly can not do those things, do you mean the people are not bound by those legislative restrictions?

Mr. READ: Those are not parallel cases to what you are trying to get at. There is no analogy. You can put any inhibition in the constitution you please, but not against the application of the initiative and referendum on any measure, because you deny the principle of the initiative and referendum when you do it.

Mr. HALFHILL: There are many things denied the legislature in article II.

Mr. READ: That is all right.

Mr. HALFHILL: Why not apply that power against the single tax until the constitution is changed?

Mr. READ: Put that some place else in the constitution. Don't tack it onto the initiative and referendum. It is incongruous there.

Mr. HALFHILL: The initiative and referendum is a manner of legislative power?

Mr. READ: The very foundation of the initiative and referendum is that it is mere machinery upon which any law may be decided, but you are going to put an inhibition in there and say it can not have universal application. You say it cannot act upon the single tax and, therefore, you will destroy its power and strike at its fundamental principle.

Mr. HALFHILL: Is not that the same on principle as any other of these principles against the legislature exercising certain powers?

Mr. READ: It is all right for the people to say that against the legislature.

Mr. HALFHILL: Well, are not the people governed by the constitution?

Mr. READ: Yes; but the initiative and referendum is an instrument in the hands of the people to be used

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for any purpose and there should be no limitation placed upon it.

Mr. HALFHILL: The people in the exercise of the initiative and referendum, according to your theory, are not governed by the inhibitions that the people place on themselves in the constitution?

Mr. READ: Oh, yes; if you put it in the right place. At the opportune time you can submit the single tax under the initiative and referendum and let the people vote on it.

Mr. HALFHILL: You mean let them defeat the law when it is proposed; that the people will have a right to defeat it at the polls?

Mr. READ: Yes.

Mr. HALFHILL: And we mean to put the inhibition in the constitution so they can not propose that law.

Mr. READ: You can not do that without violating the principle, not only the principle of the initiative and referendum, but of the constitution of the United States, and the principles upon which that is founded.

Mr. HALFHILL: Why?

Mr. READ: You take away the liberty of the people.

Mr. HALFHILL: Don't we take away the liberty of the people in many provisions applicable to the legislature?

Mr. READ: But then it is the people themselves who act under the initiative and referendum.

Mr. HALFHILL: In other words, if your argument is carried to a logical conclusion, don't you do away with the constitution —

Mr. READ: What?

Mr. HALFHILL: When you have popular vote by direct initiative, don't that do away with the constitution?

Mr. READ: Not at all, but you could do away with it if the people wanted to.

Mr. HALFHILL: You were very frank in your dealing with the matter of the single tax? Do you object to answering whether you are a singletaxer?

Mr. READ: Well, I have been somewhat of a student of the single tax, and so far as I have investigated it, I find nothing in there but what is logical, and I find that the conclusions that Henry George has come to seem to be very reasonable and they might, if put in practice, be very beneficial. That is the right I claim to have, the right to investigate anything I please, and to have my own opinion about it, and if I believe it to be a good thing I would like to have my fellow men share it with me and I believe that is the feeling the singletaxers have, and if that is being a singletaxer I am one.

Furthermore, I want to say I do not believe there is a singletaxer in Ohio that has designedly or surreptitiously been in anyway trying to get the initiative and referendum solely for the purpose of foisting the single tax upon an unwilling and innocent public. Besides, as long as there are such men as you and the gentleman from Ashtabula [Mr. LAMPSON], so able to defend yourselves against such an infringement of your liberties, I am sure there will never be foisted upon the poor, innocent farmer or any other land owner the single tax.

Mr. HALFHILL: You have frankly stated your view of the matter.

Mr. READ: Yes.

Mr. HALFHILL: And you want it kept out of here?

Mr. READ: Yes.

Mr. HALFHILL: And we want it kept in.

Mr. READ: You can put it some place else if you want to, but I object to your tacking that or anything else onto the initiative and referendum. I am diametrically and eternally opposed to that.

Mr. HALFHILL: I call your attention to the fact that outside of article II, which deals distinctly with the legislature, there are many other sections in the constitution restricting and restraining the legislature. You want to put it some place else outside of article II that deals particularly with the legislature?

Mr. READ: I want it away from the initiative and referendum. I don't want it to touch the initiative and referendum proposal. If you can put it any place else, do so; I have no objection.

Mr. HALFHILL: We want it attached to the initiative and referendum.

Mr. READ: Why do you want it attached there; will you tell me?

Mr. HALFHILL: Yes; we want to protect ourselves from the Huns and the Vandals.

Mr. READ: Are you in danger of being run over by the Vandals and Northmen?

Mr. HALFHILL: If there is any attempt made we want it to be in the fair and open. We want a fair, square deal so that everybody can know what is coming.

Mr. READ: Can't you make a fair, square issue by putting that where everybody can have a fair view of it?

Mr. HALFHILL: We think it better protects the interests of the people we are trying to protect to put it at this particular place.

Mr. PECK: They want to put it where it can not be an issue.

Mr. READ: The gentleman from Hamilton says you want to put it where it can not be an issue.

Mr. HALFHILL: We want to make it directly an issue. The gentleman from Hamilton regarded it as a bugaboo.

Mr. PECK: That is what it is.

Mr. CASSIDY: A point of order. This discussion is not in order.

The chair recognized the delegate from Ottawa.

Mr. MILLER, of Ottawa: Mr. President: I am against this proposal in any form. It is not suited to Ohio conditions. There is no state-wide demand for it, and it is fraught with danger to the best interests of the state.

It provides no remedy for existing evils which could not be as effectually made by our present system. It is born of a spirit of unrest, disquietude, and promoted by a faction feasting and thriving on public clamor.

While a candidate for delegate to this Convention I was asked by just one man my attitude toward the initiative and referendum. I replied that while I was open to conviction, so far as I had studied it my impressions were that it was not suited to Ohio conditions. Later, through a telephone call from a neighboring town, I was asked if I were a progressive. "Certainly," I replied. "I take pride in the fact that I am considered progressive." That fellow must have informed the progressive boss. Letters began to come telling of the plans and

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platforms of the progressives. I found, to my astonishment, that the good old word "progressive" had been appropriated and copyrighted; that a certain clique, backed by a certain newspaper trust, was threatening with political extinction any candidate who did not subscribe in writing to a certain prescribed platform on the subject of the initiative and referendum. Being yet a student of the initiative and referendum, I did not feel qualified to subscribe to the provisions demanded, and I was immediately branded as a reactionary (whatever that may mean), and the voters of my county were told by the aforesaid papers that the other candidate was the only one worthy of support. The only statement I made was that I had no political fads, theories, or untried schemes to promote, but would help to the best of my ability to present, for the approval of the voters of Ohio, the best constitution possible.

I came to the Convention with an "open mind." The gentleman from Noble [Mr. OKEY] questions the right of any delegate to come here with an open mind to decide the issues before us. The gentleman is put down on the list of delegates as a lawyer. How many jurors would Mr. Okey accept in trying a court case who had formed opinions which might not be changed by the evidence? The gentleman forgets that he was given a high commission to decide upon the merits of the questions before the Convention, but it is not his fault; it is the fault of the ethics of his profession. The average lawyer must forever be advocating something, so he advocated the initiative and referendum. The world never would have heard of the recall of judges if the lawyers, stepping from the bar to the bench, could remember that he is no longer an advocate. A higher code of ethics will be better than the recall.

We were told during the campaign for the election of delegates to this Convention by the newspaper trust above mentioned that there is a great popular demand for the incorporation of this initiative and referendum into the constitution of the state. I have been looking for this popular demand ever since.

I live in a county where, in intelligence, the voters will compare favorably with any in the state; where more daily papers are read per capita than in any Ohio city. During that campaign the subject was mentioned to me by only one man. . . The popular demand did not exist then.

On Saturday last at my county town I made it a point to interview ten intelligent, reading men in reference to this measure—three lawyers, one doctor, one banker, three business men and two farmers. Eight were unqualifiedly opposed to it; two thought it might be useful under certain conditions, but should be well guarded to prevent its abuse. The popular demand does not exist now.

Two weeks ago I visited the rooms of the state board of agriculture. This board is composed of ten intelligent, broad-minded men from as many counties in various parts of the state. Surely, I thought, I will here find some evidence of that state-wide popular demand; but upon roll call, in which the two secretaries were included, ten voted against it, one for it and one favored it with thirty per cent petitions. Nothing state-wide here! Yet we are told this is the burning question of the hour. When other mooted questions were being con-

sidered by this Convention, a lobby was present. Petitions and remonstrances daily tested the capacity of the box placed to receive them.

The mail of the delegates gave further evidence of popular demand. But where is the lobby, and the petitions, and the letters, asking that the initiative and referendum be made a part of the constitution?

But my search is at last rewarded. On page 13 of the journal of March 7, I find the evidence of this state-wide popular demand. It consists of four petitions. They were presented by the gentlemen from Cuyahoga. They are signed by four men. Secretaries of a gas fitters', a plumbers', a barbers' and a firemen's organization, respectively. They stated that their associations had taken action favoring the adoption of Proposal No. 2. These four petitions represent the interest taken by the 1,200,000 voters of Ohio in this proposal said to be made in the interests of the "dear people."

We are forced to conclude that there is no such state-wide demand on the part of the people of Ohio. The reported demands all emanate from a certain organization, aided and abetted by a certain newspaper trust.

The best arguments against this proposal are the actions of its advocates. A certain clique is behind the scheme. Its organization is complete; its caucus governs; its drill is perfect; it votes as a unit, and when the ringmaster cracks his whip its members never fail to fall in and lock step with the precision of a penitentiary squad on its way to dinner.

Delegates who still have open minds may well ask questions of great concern to Ohio. Why this unnatural zeal in behalf of this proposal? Are these men noted at home for advocating all great moral reforms? Have their votes on other questions here encouraged a confidence in their unselfish patriotism? Who pays for the elaborate banquets? What is the propulsive force behind all this scheme?

In this connection I want to read from a clipping taken from the Chicago Record Herald, of November 25, 1911:

SINGLE TAXERS MEET.

The initiative and referendum were incorporated in single-tax propaganda at the conference of the Single Tax Club of America with the Joseph Fels' Fund Commission, which opened in the Hotel LaSalle yesterday.

A communication from the New York contingent criticised the commission for devoting money toward aiding the initiative and referendum, referring to such assistance as "gum-shoe methods" of furthering single tax.

Resolutions were drawn in reply, in which the confidence of the conference in the commission's conduct of the fund was asserted, and the initiative and referendum declared steps toward single tax.

"I want to say I am perfectly satisfied with what the commission has done," said Mr. Fels. "I would not have it otherwise. If anything, I wish \$25,000, if it were available, had been spent instead of only \$500."

The fund was established by Mr. Fels when he promised to match every dollar raised by single-

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taxers to spread Henry George's ideas. It now amounts to about \$125,000.

Among delegates at the conference is Herbert Seely Bigelow, of Cincinnati, minister and politician, who is mentioned as probable president of the Ohio Constitutional Convention to be held in Columbus, January 1. He is said to have obtained pledges of sixty of the one hundred and nineteen delegates to the Convention for an initiative and referendum plank in the state constitution.

There is a border of suspicion about all this scheme which it would be well for land owners and home owners to investigate. The real question before this Convention is not whether this proposal or the substitute shall be adopted, but "Is Ohio ready to adopt the single-tax system?" Shall we make it easier to do so by adopting this proposal? To capture the machinery of this Convention and the vote of the farmer delegates they have laid aside the advocacy of the recall and the single tax with the idea that these things will come later, "Not yet, but soon."

The action of the caucus brings to mind the old story of the wooden horse used in the siege of Troy. In mythology we read that the Greeks besieging Troy, after nine years' assault upon the walls, captured the city by a change of tactics. They built a wooden horse, loaded it with soldiers, presented it to the city and pretended to depart. The Trojans came out, surveyed the camp, and, having a direct government, held a referendum as to what to do with the nice present. Suspicious of the Greeks, some argued against taking it into the city. One struck his spear into it and showed that it gave a hollow sound, but the referendum carried by a majority of all the votes cast. It was pushed to the wall of the city. The constitutional gates were too small to admit it. The wall was opened, and the horse set up in the public square as a monument commemorating the successful defense of the city.

That night, while the tired referendum voters slept, the soldiers emerged, opened the gates, and the city was lost.

This caucus has presented to the Convention a harmless looking wooden horse, and are asking us to tear down the constitutional wall guaranteeing representative government, push it in and set it up as a monument to the wisdom of this Convention. The spears thrust into it by the gentlemen from Hamilton and Mahoning cause it to give a hollow sound. It is loaded. Let us leave it outside the gate. It savors of "gum-shoe methods."

The architects of this wooden horse are themselves at loggerheads as to how to build him. We were told that he would be, when brought to the gates of this Convention, the best thought-out, the most carefully considered and perfect subject presented to this Convention. Yet a few blows make it necessary to rebuild him. He is brought in today with the holes patched up, a new coat of paint, and we are assured that he is built of solid oak, with no single-tax or classification soldiers concealed inside. But the architects are discredited, and the people for whom he is reputed to have been built will pull him down in November if this Convention lacks the good judgment to do it sooner.

Let this Convention vote down both proposal and amendments. Let its members go home and see to it that honest men are chosen to represent them in the legislature and the evils will vanish which this measure is intended to correct. So doing, this Convention will rise immensely in the estimation of the people of Ohio.

The constitution and the laws made under it have been interpreted by the lawyers, construed by the courts. The people understand them. Let us bear for a time the "ills we have rather than fly to others we know not of." The abuses of which we complain the people are correcting themselves. Bribery is in disrepute. Legislators selected of the people and elected by the people will no longer hesitate to do the will of the people.

The PRESIDENT: The gentleman from Adams is recognized.

Mr. PETTIT: I am not ready to go on now. My eyes are bad, I can not see at night and I would like to retain my place and let others go on. I did not know I would be reached tonight anyhow.

The PRESIDENT: The president will say that a number of people whose names are on the list have gone home and so the program has been disarranged. The next on the list is the member from Licking [Mr. KELLER]. Is the member from Licking ready to proceed now?

Mr. KELLER: I have no objection to using the time now.

The PRESIDENT: The member from Licking will proceed.

Mr. KELLER: I shall occupy your time for only a few minutes on the question now before us. I have a little article which I prepared several days ago. It will not fit in as well now as it would if I could have delivered it at that time. I suppose there are others in the same fix. I will first read this and then I shall have a few remarks to make.

Believing in the principles of the initiative and referendum, having been an ardent advocate for more than twenty-five years, I submit to you the theory that it behooves the friends of these principles in this Convention to submit to the voters of the state a proposition that will combine the best efforts of the friends of the principles involved, whether they be radical or conservative upon said proposition.

It is an indisputable fact that in all legislative matters the laws that have stood the test and have been of the greatest benefit to the governed, have been the product of the conservative mind and not the product of the radical mind upon either end of the proposed law.

It is a fact that in the election of delegates to this Convention those who indorsed the initiative and referendum made their canvass for the position as delegates, in so far as the voters were concerned, upon the principle of eight, ten and twelve per cent, notwithstanding certain statements have been made that no higher percentages should be used, but just as much lower as could be obtained in this Convention.

If there is any delegate in this Convention who made his canvass before the people of his district, upon this version of the statement sent by the initiative and referendum leagues of the state and signed by many delegates, it has not come to my knowledge.

If the voters of the state generally believed that the

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delegates they voted for last November, if successful, would come to this Convention and work and vote for the stated percentages, and if he does not do so, what do you think many of your constituents will think of you, and what effect will it have at the polls when the people come to ratify your product?

It is a fact that the Ohio Federation of Labor convention of the state of Ohio, at Cleveland, assembled in the month of October, 1911, passed certain resolutions indorsing the initiative and referendum at the percentages of eight, ten and twelve, and sent same to the delegates of this Convention asking them to use their best efforts to combine these percentages as nearly as possible in said initiative and referendum proposal.

I will now read you a letter from the Newark Trades Union and Labor Council, representing 7500 members:

The Newark Trades and Labor Assembly un-animously voted to instruct the legislative committee of that body to take the matter up with you relative to the percentages on the initiative and referendum and petition for constitutional amendments. They instructed that you use your efforts to secure the percentages, or as near as possible to those, adopted by the Ohio Federation of Labor Convention at Cleveland, Ohio, which were on the basis of eight, ten and twelve per cent.

Thanking you for the efforts you have put forth towards securing the initiative and referendum proposition, we are, respectfully yours, Legislative Committee, A. J. Bingham, chairman, W. M. Morgan, secretary.

Gentlemen of the Convention, I have spent much time in an effort to ascertain the wishes of my constituency in regard to the important proposals submitted to this Convention, and the letter I have read to you was written after having this proposal before them for consideration, when they voted unanimously for the eight, ten and twelve percentages.

Two of the most prominent workers of the labor unions of Licking county stated to me that if this proposal now before the Convention passed without amendment they would use every effort in their power to defeat the same at the polls, as they considered it a dangerous proposition, and I say to you further that each of these gentlemen is favorable to it, and will work for a proposition as advocated by the labor councils of this state, namely, eight, ten and twelve percentages or as near as possible to those percentages.

Gentlemen, I do not believe that all the opposition to this proposal among the friends of the initiative and referendum is confined to Licking county.

Mr. THOMAS: Did not the resolution of the Newark Trades Union and Labor Council and the resolution of the Ohio Federation of Labor pertain exclusively to the direct initiative and not to the indirect?

Mr. KELLER: Not as to the trades and labor unions. William Morgan, the secretary of the Convention, stated to me that they voted unanimously for the indirect legislation upon laws.

Mr. THOMAS: Their trades councils, you mean?

Mr. KELLER: Yes; in their meeting two weeks ago

last Sunday. I was to meet with them, but was sick at the time and was not able to meet with them.

Mr. THOMAS: Those are not the proceedings of the Ohio convention?

Mr. KELLER: I think the Cleveland matter referred to the direct initiative.

Mr. THOMAS: The language used was not to exceed eight, ten and twelve per cent.

Mr. KELLER: I do not dispute that, but I do dispute it as to the knowledge of the voters generally over the state. I do not believe that all the opposition to this proposal among the friends of the initiative and referendum is confined to Licking county, but you will find this dissatisfaction existing in every county in the state to a greater or less extent, and I say to the gentlemen who are trying to push this proposal over, can you close your minds, and dare you in all justice to the cause you represent, take the chance of making enemies of the most conservative friends of this principle?

Gentlemen, I now wish to take up the proposal before the Convention and point out some of the objections as I see them. There are many, but I shall not at this time attempt to point all of them out, simply calling your attention to the most serious objections, as I see them, contained in section 1-AA.

Section 1-AA only leaves the proposal sixty days with the general assembly, and by virtue of said limitation makes it possible, nay probable, that there will be direct legislation and direct amendments to the constitution by the small percentage of four per cent.

If the constitution of this great state is to be dealt with so lightly as this, what will the people of this state who sent us here think of this honorable body? The only safeguard, if it may be called such, is that the general assembly may pass a dual amendment, to be submitted along with said amendment, one of which must become the organic law.

Is this honest, is this right and just to the great middle class of people, who will not use this provision except in cases of great necessity? Is it just that they be subjected to the inconvenience of having to spend their time and energy in studying and voting upon the flood of proposals and amendments that will be submitted under this easy provision?

Mr. PECK: Doesn't the proposal provide for twelve per cent?

Mr. KELLER: Not in section 1-AA, and that is the section I am talking about.

Mr. PECK: You are mistaken in supposing that four per cent refers to constitutional amendments.

Mr. KELLER: I can read to you that it does.

Mr. PECK: Constitutional amendments?

Mr. KELLER: Yes.

Mr. PECK: By indirect?

Mr. KELLER: I can read it to you to satisfy you.

Mr. PECK: That is all right.

Mr. KELLER: You accept that then?

Mr. PECK: It has to go through the legislature first.

Mr. KELLER: Is it not inconsistent in any delegate of this Convention to support this radical measure now, that will flood the ballot with many proposals for laws and amendments to the constitution, and then in a few days get up in this Convention, as some will do, and ask for votes for a proposition to shorten the ballot because

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they believe the people do not and cannot vote intelligently owing to the ballot's great length? I would blush with shame if I should commit myself to such a proposition.

Gentlemen, the principles and powers reserved to the people under the initiative and referendum were never intended by any sound and sane mind to be used to supersede the functions of the general assembly and thereby destroy the usefulness of this time-honored institution, but rather to be used to correct the evils that may exist in that body.

I wonder how many delegates there are in the Convention, if they had the power to do so, would vote for any resolution to abrogate the constitution, and thus leave the legislature free to exercise its power without restraint. I do not believe that such a resolution would secure a single vote in this Convention, and yet this power that you would not be willing to grant to the general assembly under any circumstances, you do grant, under this proposal now before this Convention, to a majority of a minority of the people. Is this best for the business, moral and domestic interests of this state? If not, then we are in violation of an oath of office that each of us took, for in that we pledged ourselves to work for the best interests of the people of this state as a whole, and that we would not use our efforts in any way or manner to further the interests of any class against the interests of any other class.

I fully realize that under the present powers it is well nigh impossible to amend our constitution, and if it seems wise and best that these powers of the people to amend should be made greater, that they may have the power to correct any evils that may arise from time to time, then I am with you first, last and all of the time.

But if this proposal that is now before the Convention becomes the basic law, then the people will realize of a truth that the old proverb has come into its own and that eternal vigilance is the price of liberty.

It will be argued that the privileges under this proposal, if it becomes a law, will not be abused, that there is no intention to gain any special advantage to do any certain thing, or to use the powers granted to the advantage of any class as against any other class. If this be so, then there can be no valid reason why this proposal should not be amended so as to prevent the possibility of it being used for the furtherance of any special interest.

Every delegate in this Convention surely knows that the object of the constitution of a state is to state definitely what can be done, and not what some may say is intended to be done.

The gentleman from Cuyahoga [Mr. FACKLER] tells us that in a few days we are going to have a test to learn who are the friends of the people. Then we will know who were the friends of the initiative and referendum to get votes, and who were the friends of the initiative and referendum for the sake of the people. I want to say to you that the gentleman has not stated the true facts in the case. The true facts are these: The man in this Convention who will not vote to tear down from over the people the protection of this time-honored institution—the constitution of the state—is the real friend of the people, and not the man who works and votes to lay this grand old institution, this bulwark of safety to

the people, bare to the attacks of the agitator, the crank and the demagogue.

Very well, let us see to what this will lead us. So far as the gentleman from Cuyahoga is concerned, I infer that if he can have his way there will be no amendments to the Crosser proposal unless they are made by its friends. If the amendment offered by Mr. Miller of Crawford, whom I hold in the highest esteem, is a sample of what is to come, then I may well answer as the Dutchman did, that this thing is "getting no better tam fast."

I want to say that the people who put it in there realized it, for they asked unanimous consent of the Convention to lay it on the table.

Mr. MILLER, of Crawford: Are you in favor of writing in the proposal the inhibition of the single tax?

Mr. KELLER: I have not said anything about the single tax. Ask me anything you want about any statement I have made and I will answer.

Mr. MILLER, of Crawford: You were talking about my amendment.

Mr. KELLER: I don't think that inhibited the single tax in any way, shape or form, and I believe that is why you wanted it put on the table.

Mr. MILLER, of Crawford: If the inhibition of the classification of property were put in there, would it inhibit the single tax?

Mr. KELLER: I will first state my position so that the gentleman can understand exactly where I stand. I am opposed to the classification of property in any way, shape or form, either for single tax purposes or for any other purpose. And I am not in favor of the single tax. If I understand the principles of the initiative and referendum, however, if the law is passed and is ratified, under the powers of that law the people can initiate a petition and have it submitted to the people doing away with the whole thing, or any part of it that they see fit, by the powers already incorporated in that constitution. Is not that so, Mr. President?

Mr. MILLER, of Crawford: I presume they can without any inhibition.

Mr. KELLER: That inhibition does not amount to a straw, for the simple reason that you cannot inhibit the people from the right to change the constitution, and it makes no difference whether you put it in the initiative and referendum proposition or put it in a separate section.

Mr. MILLER, of Crawford: Why make the statement you did about my amendment and not about the amendment of the gentleman from Ashtabula [Mr. LAMPSON]?

Mr. KELLER: The difference is I think the Lampson proposal would inhibit the single tax and I don't think yours would.

Mr. MILLER, of Crawford: Do you think if we prevent the classification of property throughout the state that it would not inhibit the single tax?

Mr. KELLER: It wouldn't inhibit the people from changing the constitution.

Mr. MILLER, of Crawford: The same would apply to his amendment. They could get rid of that, but if we were to prevent them from classifying property through the initiative and referendum does not that inhibit the single tax?

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Mr. KELLER: It does so long as that remains in the constitution and no longer, and so long as this is subservient to every other part of the constitution and it remains a part of the constitution, whether incorporated or tacked onto this proposal or whether it is embodied in a separate section.

Mr. MILLER, of Crawford: Then my amendment is no worse than the other amendment?

Mr. KELLER: Not in principle, but I believe his accomplishes what he tries to do. This amendment purports to inhibit the single tax without a vote of the people. If some of these learned and eminent advocates of the initiative and referendum would tell me how they could get the single tax or any other law by the initiative and referendum route without a vote of the people, then I will admit that they are in the vanguard of this movement. That is what your amendment calls for, a vote of the people on the single-tax question.

Mr. MILLER, of Crawford: It would be submitted first to the people as part of the constitution for ratification, would it not?

Mr. KELLER: Oh, certainly; all of this stuff that we are putting out must go to a vote of the people. If the gentlemen are going to make this test of who is and who is not a friend of the people and the people's cause, as the initiative and referendum are often called, if you will come and go back with me into the early eighties in the state of Kansas, where this movement was first instilled into politics, where the first initiative and referendum plank was incorporated in the platform of the populist party in the year 1888, you will find I was in the thick of the fight then for the initiative and referendum and I have been in the fight for the principle involved in the initiative and referendum ever since.

Do you not think it would be well to be a little more lenient in your judgment of certain members of this Convention? Would it not be well to at least hear a part of the evidence before you render your eminent decision?

I am referring to a statement made by Mr. Fackler, who is not present; I wish he were.

The fact is, gentlemen, that if at that time the laws and changes of the constitution advocated by the populist party in the state of Kansas could have been enacted into law without change, without the dotting of an "i" or crossing of a "t", it would have meant utter chaos, and it would have taken the great state of Kansas years to recover from their evil effects. And I say to you, that in all of that platform advocated by the common people of the state of Kansas there was not one single thing that was as radical as this proposal now before the Convention. And we were called "anarchists" in those days.

But as time went on other men of more mature minds, looking at these reforms as a means of bettering the conditions of the people as a whole and not as a class, took up these principles and have enacted many of them into laws, to the great and growing benefit of the people as a whole, and the people have risen up and blessed these more conservative minds and say, "To this class of men is due the preservation and safety of our government."

Now, I want to talk just a minute in regard to the constitution of the state. The constitution of this great

state is the only thing that we have to protect ourselves with today. I do not believe that it should be dealt with in the same way that we would deal with a statutory matter. I do not believe the constitution should be dealt with as lightly as this measure deals with it. Neither do I believe a constitution should be too easily changed. It is the people's law, and is nothing more or less than good common horse-sense. That is all a constitution is. It has none of the technicalities and peculiarities that we have in our legislative acts. I believe the percentage required to petition for a change should not be less than twelve, and I believe that percentage should be scattered over the state so as to demonstrate beyond doubt that the people demand such a revision of the constitution before a change is inaugurated. I object to four per cent either for the direct or the indirect. I do not think that is enough of a safeguard to put around our organic law. And I think we should give more protection to the people than the four per cent would give. We should not compel them to vote upon as many laws at one time as that would permit to be initiated.

There is another provision that I think should be incorporated here and that is one preventing the submission year after year of the same provision. Woman's suffrage was up at three successive state elections in the state of Oregon. There is no good sense in that. There is no reason in the world for it, and yet you can't prevent it if there is any demagogue in the state who wants it, should this proposal go into effect as the organic law of the state of Ohio without any prohibitory provision in that direction. I venture to predict that if this is adopted the way it is here and without any restrictions of the character I suggest, you will have the prohibition question and the woman's suffrage question up every election until you get them, one or both, and you can't prevent it. I don't believe the people should be bothered to death with the continual submission of questions in that fashion. I think when a question is submitted once it shouldn't be permitted to be submitted again until after a lapse of a certain number of years, say six years. I think that is often enough. The mind of the country doesn't change in a day. It takes some length of time to make a big change.

Now I am in favor of the indirect plan for laws. As far as I can learn the will of my constituency they favor to a large extent the indirect plan, but they favor the direct plan for amendments to the constitution, because the legislature can in no way benefit the people by voting on amendments to the constitution submitted to them. Gentlemen, I thank you.

Mr. Colton moved that further consideration of the proposal be postponed until 5:35 o'clock p. m.

The motion was carried.

By unanimous consent the following proposals were introduced and read the first time:

Proposal No. 311—Mr. Colton. To submit an amendment to article VI, section 2, of the constitution.—Relative to school funds.

Mr. Colton moved that the rules be suspended and that the proposal be referred to the committee on Education.

The motion was carried.

Proposal No. 312—Mr. Walker. To submit an amendment to article II, section 28, of the constitution.—Concerning legislative power.

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Mr. Walker moved that the rules be suspended and that the proposal be referred to the committee on Legislative and Executive Departments.

The motion was carried.

Proposal No. 313—Mr. Leete. To submit an amendment to the constitution.—Relative to the end that the judicial interpretation of the constitution will permit of the conservation of water powers, and formation of conservation districts.

Proposal No. 314—Mr. Crites. To submit an amendment to article III, section 2, of the constitution.—Relative to the term of office held by state officials.

Proposal No. 315—Mr. Smith, of Geauga. To submit an amendment to article IV, section 8, of the constitution.—Relative to jurisdiction of probate court.

Proposal No. 316—Mr. Kehoe. To submit an amendment to article X, of the constitution.—To provide for county boards of health.

Leave of absence was granted to Messrs. Evans, Ludey, Okey and Watson for the remainder of the week.

Leave of absence was granted to Mr. Tallman for next week.

5:35 o'clock p. m.

Consideration of Proposal No. 2—Mr. Crosser, was resumed.

Mr. HARRIS, of Ashtabula: I move that we take a recess until 7:30 this evening.

Mr. CASSIDY: I move to amend and make it 9 o'clock in the morning.

The amendment was lost.

Mr. READ: I move to amend by making it 7 o'clock Monday evening.

The amendment was lost.

The motion to recess until 7:30 this evening was carried.

EVENING SESSION.

The Convention met pursuant to recess and was called to order by the president. He recognized the delegate from Clark.

Mr. ROCKEL: Near one hundred years ago my ancestors treked their way from the valleys of Virginia and Pennsylvania across the Alleghanies and built their log cabin in the Mad river valley of Ohio. With their own hands they felled the forest and cleared a place for habitation, and from that day until this my kith and kin have been hewers of wood and tillers of the soil. In my own life whatever success I may have had has not been due to the advantageous environments of wealth.

I may not have felt the pangs of poverty, but I have not experienced the luxuries that wealth might bring. Leading a professional life, yet to a very great extent my associations have been with those who earn their bread by the sweat of their brow, and it naturally follows that whatever sympathies I may have are with the poor and those in the middle walks of life, rather than with those possessed of wealth and power. Whatever I can do in this Convention to ameliorate the condition of that class with which my sympathies are most in accord I shall certainly be most happy to do.

I haven't a particle of doubt that the highest purpose

of every one in this assemblage is to so act that the work here will not only be sanctioned by the voters of the state, but, when adopted, will redound to the general welfare of all the people of this grand old commonwealth.

Of all the questions that may be presented here for solution, none perhaps exceed in importance the one under consideration, and I approach it with fear and trepidation as to my ability to rightfully determine proper action thereon.

We have had representative government in this country from the time of its earliest existence as a separate and independent commonwealth, and it has been said that that form of government has been one of very great success. That it has been a success, at least in a measured degree, will be admitted by all, but whether it has reached that degree of success which it ought to have made in the country we have, with the enlightened Christian civilization we possess, is certainly one upon which there can be an honest division of doubt.

It is singular to note that while there may be in this Convention a dozen or more persons who have sat in the legislative halls of our state, yet I have yet to hear the first word from them in commendation of the general work of our legislative assembly. That it has not generally been for good, notwithstanding this want of testimony on their part, I would not be willing to concede, but it is certainly within the common knowledge of all that the things that have happened in the enactment of laws and the action of the lawmaking body have not been such as to at all times meet the approval of the people of this great state; that members of these legislative assemblies do sometimes fail, attention need only be called to the proceedings that have recently happened in the court house of this county; that the representatives of the people then sometimes need a check upon their action is fully evidenced by much of what they do and that which they refuse to do. The last general assembly, after they had been in session some four or five months, voted to themselves the entire two year's salary. Not only that, when this measure was vetoed by the governor they promptly passed it over his veto. Do you wonder that the people wish to retain some control over their representatives in the face of such action?

The preceding general assembly, responding to a lobby, enacted a law to extend the term of certain county officials some eight or nine months, which was only saved from becoming a law by the veto of the governor and the fact that the lobbied members were not strong enough to pass it over his veto.

Some years ago there was lobbied through the legislature of Ohio, as before to referred in this body, an act that fastened on the people of Cincinnati a franchise, advantageous to those who wished it, to exist for a half century.

I might enumerate a number of instances of a somewhat similar character, and do you wonder that the people desire to retain some control over such actions of their representatives?

No doubt many a meritorious measure has likewise, by reason of the strong arguments of self-interest, been defeated in the committee room, or, if not there, in sinister and divers ways in the legislative body itself. As our population has increased and the effort to secure

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the necessities of life has become more arduous, it naturally has followed that the aid of the lawmaking body has been sought in various ways to protect divers interests of the people. In our growth there has naturally followed a centralization of wealth with its corresponding influences in power; wealth at all times has afforded, and will afford, a power within itself to have itself protected.

While it is stated fundamentally that all men are created equal, yet it is as fundamentally true that all are not equal and never will be, at least until the millenium occurs. Environments and natural ability will always create a distinction and the power and influence that wealth is, will always give to its possessors advantages that those that have it not cannot secure.

I am one of those who is not convinced that the incorporation of the initiative and referendum in our fundamental law will be a panacea for all government ills that we are heir to. Neither do I believe that if it is adopted in its most liberal form that it will result so disastrously as many are prone to believe. The people always have been, and I believe always will be able to adjust governmental matters in such a way that disaster will be averted. There is no doubt at this time, whether for good and sufficient reasons or not, an unrest prevails among the great body of the toilers of this land; they believe that in some way they have not received their just merit and there is a feeling that in some way the government has not secured to them or enabled them to secure for themselves that to which they are justly entitled, and they are demanding, too, in a more direct way, control of those whom, in our representative form of government, they must necessarily choose to act for them.

The question, therefore, arises, and it is a practical one, whether this demand of theirs should not be acceded to and they be given the opportunity to do that which they believe is for their best interest. In this country, in theory at least, each citizen is a sovereign, and with this right goes all prerogatives of sovereignty. When people cannot peaceably secure that to which they think they are entitled, the only alternative that is left is revolution. The question, therefore, presents itself, whether or not we shall in a peaceable way give this great body of our people rights to which they think they are entitled, or deny it until it may finally fan the fires of a devastating revolution. It is the prevailing opinion of this Convention that the initiative and referendum should in some form be submitted by this Convention to the voters of Ohio for adoption.

The fact that pure democracy was a failure in some of the most illustrious nations of ancient history does not absolutely demonstrate that it will be a failure now with our more modern ideas of governmental affairs.

This brings us down to the consideration of the measure now before this Convention. There have been methods used to secure the election of delegates to this Convention and in pledging them in the interest of this measure that do not fully commend themselves to us, and I think we must admit that some matters have occurred in this Convention by the overzeal of those who favor the initiative and referendum that in their calmer moments they will consider ill advised.

A good deal has been said in this Convention, more

in the nature of criticism than otherwise, of the action of those who favor this measure in what has been termed a "caucus" or "conference." That those who are friendly to the measure may meet in caucus or conference to determine in what form a measure can best be presented to the Convention, embodying the idea of the general principles for which they stand, none will deny, but if it is sought to get the various members into a caucus and bind them by that caucus to absolutely stand by what is then determined regardless of what may develop when the matter is afterwards presented to the Convention, then it is wrong and should receive the severest condemnation of all who believe that in all things the majority should rule.

The decree of a caucus may be justified in carrying forth principles of a political party, but, in my judgment, it can never be justified in controlling the deliberations of a convention organized for the purpose of presenting to the people their organic law.

By the courtesy of the president of this Convention, I attended some of these conferences, and I may say there never was at any time demanded of me that I be bound by any of its decrees. I did not understand then and I do not understand now that the members who were in that conference must stultify their actions in this open Convention in supporting anything in that proposal which does not appeal to them as being that which ought to be done.

It has been advocated time and time again on the floor of this Convention by some of the leaders that the way we learn is by "bumping" against each other and getting in that way the composite knowledge and wisdom of all here assembled. I concede that the distinguished gentleman from Hamilton county, who presides over our deliberations knows much more about this principle of government than I or the great body of this Convention, and yet he and all those who are so strenuous in the advocacy of the measure must admit that it is yet in its experimental state. I believe further that the great body of the people of the state of Ohio have no definite idea or knowledge on the subject and that when certain pledges were secured from members they had no definite idea of what the pledge meant or carried with it. I do not believe that this Convention in the eyes of the people of Ohio will be justified in accepting this proposal without changing the dot of an "i" or the cross of a "t". I do not believe that the adoption of the initiative and referendum in Oregon and some of the other states has proved to be all that might be desired or that its form is perfect and not subject to improvement.

In my judgment this Convention ought to consider two questions particularly in submitting a matter to the electors of this state for their approval. First, whether it is right, and second, whether or not we should submit it in that form in which, if it is right, it is most likely to be adopted. I am not afraid of the deliberate judgment of our people, but I have some reason to fear that without deliberation they will sometimes act unwisely for their own public good. Indeed, it is the sole object and purpose of a constitution to prevent people from injuring themselves.

I very seriously doubt at this time whether the people of Ohio can be induced, even by the eloquence of the distinguished president of this Convention and those who

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so earnestly believe as he does, to adopt the initiative and referendum, unless so presented to them that they will not fear "that it is better to bear the ills that we now have than to fly to those we know not of."

In examining its workings in Oregon, we cannot fail to be impressed that the system there might be improved. They themselves have attempted to improve it and their attempt was defeated by a comparatively small vote. It occurs to the speaker that a serious objection to the adoption of the initiative and referendum may be avoided by prescribing the number of questions that could be presented to the voters at any one time. It is said that the voters have exercised a reasonable degree of intelligence and discernment where a large number of questions have been proposed, yet we find it seriously claimed now that some of the amendments adopted by California would not have passed if more deliberation had been exercised, and we are satisfied, too, that some of the many measures presented in Oregon would have received a better consideration had they not been confused with a number of others.

I do not believe that the ordinary voter will act discriminately and deliberately upon thirty-two separate propositions at an election. When the people have unrestricted power it is all speculation to say how frequently or indifferently they will exercise that power.

Some people are eager to exercise the right of franchise; others can only be made to take an interest in the various questions by some extraordinary inducement or effort.

So it seems to me that if we are going to adopt it in this state we should have it limited as to the number of questions that might be submitted at any one election. Electors may be harrassed and annoyed and cause an indifference to the consideration of governmental questions by too frequent action as well as by too infrequent.

Another matter which suggests itself and brought forward by the amendment of Mr. Halfhill is that it would be wiser at this time to have all measures first submitted to the legislature. The objection I have to this amendment is that the per cent might be lowered. This would prevent the adoption ultimately of any ill-advised measures. It is what is known as the Wisconsin plan, and I might add here that at one of the meetings of this conference, as I am advised, there was a tie vote whether or not that should be adopted as the report of this conference. As the adoption of the initiative and referendum will require an abrupt transition from the representative to the direct form of government, it seems to me it would be wise to adopt a method that would easily glide from one into the other without destroying the good that is in both.

It occurs to me that this would give the relief that the most ardent advocate of the initiative and referendum might wish, and still not shock the political conscience of those who oppose.

Further along the proposal does not, in my mind, secure the various counties or subdivisions of the state from having forced upon them measures which they might not desire, or give them a fair show in determining when they must submit to a vote upon certain questions. In the proposal submitted it is only required that one-half of the total number of counties of the state

shall each be required to furnish signatures equal in number to one-half of the designated percentage. If I understood this rightly, it would only require in some of the one-half of the counties one-fourth of the percentage that has been established in the measure. This seems to me to be wrong. At this time there is a great trend of our population from the country to the cities.

Some time ago I listened to a very instructive address by the Hon. John W. Bookwalter, one of the greatest students of economic conditions of our country, in which he showed by many apt illustrations that for a country to be prosperous the rural population must not be suffered to retrograde behind that of the city. In other words, that the bread and staff of life come from the rural communities, and if such conditions are put upon them that will result seriously to their prosperity that not only our civilization would fail, but great general dangers would follow. So it occurs to me that a great proportion of signatures should be required from a greater number of counties than that set forth in the proposal.

One other thing. I find that a number of the country people, who a few years ago were favorable to this method of government, have now become very suspicious of its adoption, and unless something is put into this proposal to guard it from the dangers of what is known as the single-tax theory, they will be opposed to it. I do not know whether the president of this Convention is serving under a salary from the Joseph Fels fund, but I do know a great number of the people from this commonwealth of ours believe such to be the fact and that his zeal in behalf of its adoption is for the purpose of carrying into effect the single-tax theory of Henry George. I do not wish to say anything against the motive of the distinguished gentleman; I believe he is honest and sincere at heart, and wishes to serve the people and to do that which will redound to the greatest good of the greatest number. Yet I cannot help but feel that to insure the adoption of this new principle we must satisfy the minds of the great mass of property owners of Ohio on this fact.

I, therefore, find myself in favor of the proposal of Mr. Lampson or some similar amendment. I want to support a measure of the initiative and referendum that will be adopted, and when adopted will serve the interest of the people of Ohio, whether high or low, rich or poor, great or small. I believe the principle is worth the experiment, and I want an amendment to go forth to the people that the members of this Convention can most heartily support and advocate to the people of Ohio.

The PRESIDENT: The gentleman from Meigs is recognized.

Mr. STEWART: Mr. President and Gentlemen of the Convention: I believe in the principle of the initiative and referendum, but like all the newer questions which are offered to perfect the scheme of government, there are differences of opinion as to the modus operandi. This is borne out by the testimony of those who have been laboring all these weeks to whip into shape a proposal on which its most ardent admirers could agree. Because of this situation it is not surprising to find that some will not agree entirely with all the features embodied in this proposal. The good in it speaks for itself, but if we should try to point out some of the possible de-

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fects no one has any right to brand us as enemies of the initiative and referendum.

I do not believe that the initiative and referendum should ever be made so easy that it could be used as a means of supplanting representative government, but only used as a reserve power to hasten reforms when present methods seem too slow or are wholly disregarded. So in what I shall say on this subject I am constrained at the outset to give you a quotation which I think it would be well to keep in mind at all times :

From the commencement of civilization the grand problem in politics has been to attain to the exact medium between anarchy on the one hand and despotism on the other, and a convincing proof of the matchless excellence achieved by our American sages by a single effort may be found in the fact that after a century and a quarter of trial it is even now a debated question whether the tendency of our system be more towards the one than the other of these two extremes of political evil. Of course the fair conclusion is that we enjoy that golden mean so long looked for but never before discovered. There is no doubt that the most sanguine anticipations of those who framed this system have been more than realized. They expected that time and trial would disclose deficiencies and demand amendments and they wisely made provisions therefor. It is one of the transcendent beauties of the work they have left us that it admits of reform with revolution. We can amend it without first demolishing it. The stately machine continues to move on though its parts be undergoing repairs, and the crowning excellence of our organic law belongs equally to the subordinate departments; for while our people can peaceably convene and amend their constitution, our legislature stands ever ready to supply defects to the rest of the system.

To my mind this quotation presents a beautiful picture of the balance and poise that exists in the federal idea of government. But like everything that man does or has done, it has its limitations, and will from time to time show defects. Our fathers thought so, and that is why they made provisions for amendments. In our day of rapid progress we get impatient that some change and some reforms do not come faster. For thousands of years man has endeavored to develop the ideal system of government, one that would meet the necessities and expectations of mankind.

We believe that the federal idea, because of its marvellous success, is responsible for the unparalleled and world-wide awakening that is going on today to establish representative government for the people of every clime and every race. The federal idea, since its adoption, has been improved, but with the improvements came social and business evils which in time will have to be solved.

I am in favor of keeping the idea of representative government as our polar star, to guide the course of the ship of state, rather than some flashing meteor.

Now, as to some of the debatable points in this proposal. The pre-election pledges as to the percentages

were eight, ten and twelve. This idea should be maintained. The argument is offered that the cost is too great, that the burden is too heavy, to get a petition with these percentages. If that is so they should never have been put forward even as a tentative proposition. To get the required eight per cent in my county, Meigs, would not be an impossible task. To illustrate. The last wet and dry election we polled 5,700 votes. On the basis of eight per cent, the petition would require only 456 names for the whole county—not an impossible task. With the indirect method of only one-half of the designated per cent, my county would only need a petition of 114 names to fill the requirements of the law as far as Meigs county is concerned. One man could get this in one day without any trouble. I am in favor of the indirect method, through the legislature.

A word as to the indirect plan in this proposal. If the legislature is not allowed to make any change, what is the use of going to the legislature at all? If it cannot change the petition in any way, there would be no need of praising its merits or pointing out its defects. If it must come out as it goes in, there is no need of its going in. It can be used as a means of getting a petition upon the basis of only four per cent instead of eight. I believe the legislature should have the right to revise, alter or amend the petition. The "good roads" proposal, which unanimously came from the committee, was made a better proposal by the criticisms of those who were unfriendly to it. I believe that it should have the same per cent in going to the legislature as if it were the direct initiative, for the reason the bigger the petition the greater the influence and pressure it would have on the legislature to enact it into a law on the lines laid down in the petition. The smaller the petition, the less the public interest and the fewer the number of people who would have occasion to know anything about it. The friends of the petition should not want to come to the legislature with a small petition. The larger the petition, the more it would reflect public sentiment. The more ardent friends of the proposal should want the eight, ten and twelve percentages in order to comply with the pre-election understanding and show that it has a widespread public interest, rather than low percentages which would reflect possibly only a local interest at some particular point.

The power of a petition will be in the numbers who have signed and the wide scope of territory from which the petition comes. Presenting the petition to the legislature will serve important ends. It will give time for study and investigation of the measure. If it has merit in it, it will grow in favor and public interest; if a bad petition, it would lose in public favor. If a petition went to the legislature and upon investigation it was found not worthy of being made into a law, the wide publicity and investigation would serve a two-fold purpose—first the legislature would have time to make its defense for not passing the measure, and second, time to expose any ulterior motive that may have given rise to the petition.

Again, a good petition which the legislature would not act upon would have the opportunity to grow in public favor, and any indifferent action or want of action would make friends for the measure. The interim from the time of the adjournment of the legislature to the general election would be a period of growth of senti-

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ment because of the merit of the proposition and because of the unfair treatment on the part of the legislature.

Publicity. A little time for discussion will help a righteous measure in its passage. Publicity, on the other hand, will also give an opportunity to expose a bad measure and also expose any individuals or interests that would advocate unfair or improper measures.

The theory of representative government is ideal; none better has ever been devised. Let us not mistake the situation. If there be any fault, if there be any weakness, if there be any unrest, it is because of the base machine methods that have developed to control the operation of representative government and not a fault of the system itself. Let us, then, not begin to use the same machine methods to establish the new functions of government which we condemn as so grievous in the old.

Now, a word as to expense. I have heard that the desire to have a low percentage is solely because it costs so much to get up a petition. Some say that it costs from five to fifteen cents per name. I presume that the person who circulated the petitions are to be paid for their services. Might not the idea of paying those who circulate petitions be a violation of the spirit of the "corrupt practice act?" Since it is the purpose now to eliminate all expenses in and about elections, fearing the undue use of money, either directly or indirectly, should not this proposal be amended so as to prohibit anyone from receiving pay for the circulation of petitions? Should there be many petitions there would grow up an array of professional petition-circulators who would be ready for pay to go over their territory whether they had any interest in the merit of the petition or not. Paying for this work would be a means of using money indirectly to influence elections. No one should receive pay for circulating a petition. There is no necessity for pay. Let me illustrate. When the Rose county local option election was held in Meigs county we secured over eighty per cent of the voters in one day. The work was voluntary. It did not cost one cent. If those who circulate petitions receive no pay, it will show that they are interested and sincere and are not doing the work for so much per name. Eliminate the idea of paying for the circulation of petitions and you strengthen your cause and at the same time eliminate your expense.

Now a word as to emergency measures (line 88). The section of this proposal covering emergency measures, the public peace, the public health, the public safety, I believe to be fundamentally wrong. Suppose there has been a **necessary public debt** created to cover the cost of some epidemic, which epidemic may have been the result of some false economy or strife between political factions, and a tax law may have been passed making a levy to meet the indebtedness caused by such epidemic, by the referendum petition it is possible to reject this emergency tax measure and thereby repudiate a debt of the state. If you could revoke a tax measure like that you would strip the state of its ability to create a debt under dire necessity.

Suppose the state is called upon to face some great riot, public disturbance, a great fire, pestilence or a flood, where public order and the safety of life and property are in great danger; suppose that party strife and polit-

ical questions become involved in the administration of such extraordinary conditions (and political questions always do get in such situations), by a referendum petition you give the rights to institute an election to repudiate an already incurred debt; a debt incurred to save life, property, and restore public order. In other words, debts to meet the expense incurred to protect the public health, the public safety, the public peace, could be repudiated by referendum petition and vote. When you deny the state the absolute right to incur such expense and also deny it the further right to provide the means to meet these extraordinary obligations, you strike at the very foundation of orderly government. That is not reform; that is revolution.

I do not think that the initiative and referendum should be made too hard; neither do I think that it should be made too easy. If it is made too easy it may be invoked too often on measures of no real importance and would become a burden to its friends. But if it is invoked only in reference to vital reforms, it can be an instrument of great good.

Let me give you an illustration that came under my own observation. In my home town we had a long, bitter controversy upon water rates. A private company furnished the city with water. The water company wanted to increase the rates and tried by a long process of education to convince the people that they should consent to an increase of rates. The people objected. They thought they were paying enough, and they were. The matter finally came before the council; the council was divided on the matter; some wanted to increase the rates and some were opposed to an increase. The night came for action. I was present and asked the mayor to read section 3981 of the General Code. I will read the section, which speaks for itself:

A municipal corporation may contract with any individual or individuals or an incorporated company for supplying water for fire hydrants or for cisterns, reservoirs, streets, squares and public places within the corporate limits or for the purpose of supplying the citizens of such municipal corporation with water for such time and upon such terms as may be agreed upon.

But such contract shall not be executed or binding upon the municipal corporation until it has been ratified by a vote of the electors thereof at a special or general election; and the municipal corporation shall have the same powers to protect such water supply and prevent the pollution thereof as though the waterworks were owned by such municipal corporation.

There is the opportunity for your referendum. That little incident ended the water controversy. From that day to this I have not heard a word about higher water rates. The referendum is there. It has never been used. We have had no further public controversy on the subject of water rates. I give you this as an illustration to show how the initiative and referendum can be a great public benefit and can be used with telling effect should the occasion require. Its greatest service will be in the moral effect it will have rather than the good that will come by actual use. It is good in many lines, but like

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many other measures has its limitations and cannot be applied to everything and everywhere.

I have tried to indicate to you some of the evils and some of the good of this proposal and will close by giving you another quotation, which I think very aptly fits the situation and may sound a warning:

Law, as made by and under the order of representative government, is the grand regulator of human affairs. Its function may be appropriately compared to those of gravitation. If you could imagine even a momentary suspension of that great law which regulates the universe of matter, keeping the minutest particle as well as the mightiest mass in its proper condition, the stupendous confusion which would thence result, and which we designate by that fearful name, chaos, furnishes a strong but faithful illustration of that social disorder which would as certainly result from the suspension of municipal law and which we designate by that hardly less fearful name of anarchy.

Don't make the initiative and referendum too easy, so that it may be used as an instrument to depart from the principle of representative government. Holding the representative theory as fundamental, I would use the initiative and referendum as an instrument to hasten reforms and make more perfect the representative idea and not to supplant it. It is reformation we want, not revolution.

Mr. BROWN, of Highland: I want to remark by way of interrogation that it has not been the history of the people of the United States to repudiate debt. Do you think that such a thing could ever be possible, that the spirit of fair play and honesty that has permeated the body politic of the United States of America could ever so change that they would repudiate an honest debt?

Mr. STEWART: I presented an illustration that might show up the proposition, and I do know that you cannot tell as to what the temper of the people will be.

Mr. BROWN, of Highland: Those are things that are not at all probable even though they may be possible. I don't think, however, there is even a remote possibility of such potential acts in this country.

Mr. STEWART: You may think not, but I think there is. I do think the initiative and referendum should be used as a means to force representative action. By this method I believe it will do its greatest work and serve the ideal purpose its most ardent and sanguine friends hope for it.

Mr. FLUKE: Mr. President and Gentlemen of the Convention: I want to talk about five or ten minutes on the matter under discussion.

I favor the initiative and referendum and I favor that sort of initiative and referendum that will be a help to representative government, and I am opposed to any form that takes the place or seeks to take the place of representative government. I think it is conceded there are certain abuses that have grown up around and connected with representative government, abuses with which we have to deal. I also believe that the initiative, properly framed and properly used, will correct many, if not all, of these abuses. I favor an initiative that

has the advantage of taking a proposed law before a deliberative body. As has been well said on this floor, a number of times, many of us have learned that measures are presented that have not received careful enough consideration. When I came to this Convention I came with the idea that the direct initiative was the proper form. Since coming here I have come to the conclusion that the indirect is better. I take it, since all of us are actuated by the purest motives and are concerned for the betterment of the people of our state, that we ought to agree on some form of the initiative, as there seems to be but little question as to the referendum. As I say, I think we ought to be able to agree upon some form that will safeguard the interest of the people and work no hardship to anyone.

Then I am in favor of submitting the initiative to the people without any ruffles or frills upon it. I do not think there is a man in this Convention who came here with any other idea than that this measure we are going to submit should be submitted alone and the people might have a chance to register their approval or disapproval of it on the merits of that question alone.

But since coming here we are informed that for the initiative to carry by the votes of the people it is necessary that we should fasten something to it in order to secure votes. With all kindness to the gentlemen on this floor I must say that I can not understand the solicitude that some members show for the initiative, particularly when they have never manifested any love for the measure in itself. They tell us it is necessary to place an inhibition against the single tax on this measure or it will meet defeat at the polls.

Gentlemen, I can not see the idea behind this. At times, though, I am impressed with this, that there may be some ulterior motive. It looks to me that if the people in this Convention really wish this matter to carry by the votes of the people they would not put the single-tax hobbleskirt on it if they expect it to travel very fast. With the indirect initiative the question of percentages is a matter of minor importance. Very few of these measures that will be submitted to the legislature would go beyond that body. If there were grave defects the legislature would submit a competing measure that would have the advantages of the wisdom of a deliberative body, and I venture to say that not more than one in ten would ever get past the legislature and be referred direct to the people.

Now there are some amusing things. The illustrious gentleman who spoke from that desk the other day cited as an instance the state of Oregon, where thirty-two measures were submitted at one election. Then, by very simple problems in mathematics, taking the difference in population of the state of Oregon and the state of Ohio, and using the multiple of ten, by which our population is greater than theirs, we arrive at three hundred and twenty laws to be submitted at each election in Ohio. I am afraid there was a little sophistry about the argument of the gentleman. Does it require any more laws to govern five million people than it does to govern five hundred thousand?

Another objection, and one I think well taken, is that under the operation of the initiative it will be possible for a minority of the people to fasten on the whole people a law. This is true, and gentlemen on this floor

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have held up their hands in holy horror because it is true. But I submit what is just as true, that the same thing occurs in representative government in every election everywhere. Now I want to call your attention to the last election for governor in the state of Ohio. You will remember that the governor had a very large plurality—over one hundred thousand—and it seemed overwhelming, yet as a matter of fact he failed to receive a majority of the votes in the state of Ohio by over eighty-four thousand.

Take, for instance, the election in my home county last fall. There was not a man elected on the county ticket in that county who had a majority of all the votes in the county. Some of them ran down to as low as thirty-five per cent. In my own township not a single official who was elected received over thirty-five per cent of the votes cast, and if you will pardon me I will refer to my own election. There were three candidates in the field. I had a clear majority of twelve hundred over the other two and yet I failed by one hundred to get half the votes of our county. Now, gentlemen, I trust that

the deliberation of this body will result in this, that we will have some form of the initiative and referendum that will relieve and not be a burden to anybody. Submit some form of the initiative and referendum without any frills on it and let the people decide it on that issue alone without anything else to confuse.

Mr. TAGGGART: I move to recess until tomorrow morning at ten o'clock.

Mr. PETTIT: I said that I thought I could speak in the morning, but I have been away from home for four weeks, and will be "recalled" unless I go home in the morning. I want to reserve my right to speak unless the question is closed before I get back next week. I would gladly do so now, but I feel that I ought to go home tomorrow and I have to start at eight o'clock in the morning. I do not think I will consume more than fifteen minutes, but I want it to be agreed that I may speak on the amendment when I come back if it is not closed.

The motion to recess was carried.