

TWENTY-SECOND DAY

EVENING SESSION.

MONDAY, February 19, 1912.

The Convention met pursuant to adjournment, was called to order by the president and opened with prayer by the Rev. M. W. Simpson, of Columbus, Ohio

The journal of Thursday, February 15, was read and approved.

PETITIONS AND MEMORIALS.

Mr. Bigelow presented the remonstrances of J. H. Doan, of West Carrollton; of the members of the U. B. church at Brookville; of the Lafayette Christian Sunday school, of Lafayette; of the Silver Circle of the M. E. church, of Clarington; of the Epworth League, of Clarington; of the members of the M. E. church, of Hopewell; of W. B. Johnston and twenty-nine other citizens of Montgomery, Hamilton county; of H. F. Schomberg and twenty-four other citizens of Hamilton county; of J. F. Guy, of Canfield; of the brotherhood of the Neil Avenue United Presbyterian church, of Columbus; of the members of the Antioch U. B. church, Perry township; of A. M. Overhalt, of Wadsworth; of B. E. Stevens and twenty-six other citizens of Cleves; of Thos. T. Davis, Ashland; of Chester K. Schroyer, of Dayton; of Lee W. Badger, of Bellefontaine; of the members of the First Congregational church, ofsylvania; of the Damascus Quarterly Meeting of Friends, representing nine hundred fifty members; of Jeston Warner, of Findlay; of Dr. Charles Mowry and one hundred twenty other citizens of Napoleon; of the ministers of the Presbyterian, United Brethren, Evangelical and Methodist Episcopal churches, of Napoleon; of the Gallipolis chamber of commerce, Gallipolis; of the members of the Miles Park Presbyterian church, of Cleveland; protesting against the submission of a license clause in the constitution; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petition of A. L. Bertele and sixty other citizens of Akron, asking for the passage of the King proposal; which was referred to the committee on Liquor Traffic.

Mr. Winn presented the petition of J. A. Deindoerfer and one thousand four hundred, fifty-six other citizens of Defiance county, asking for the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Winn presented the petition of Edwin Morrell and other members of the Broadway Christian church, of Defiance, protesting against a license clause in the constitution; which was referred to the committee on Liquor Traffic.

Mr. Wood presented the petition of the members of East Homer Reformed church, of Medina county, protesting against a liquor license clause in the constitution; which was referred to the committee on Liquor Traffic.

Mr. Kerr presented the petitions of W. W. Virden and other citizens of Brilliant; of Richard E. Roberts and other citizens of Emerson; protesting against the

licensing of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Doty presented the remonstrance of the men's league of the Windemere M. E. church, of East Cleveland, protesting against the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Campbell presented the petition of M. L. Garberson and other citizens of McClure, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Lampson presented the petition of John C. Ford and other citizens of Conneaut, against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Fess presented the petitions of R. H. Wolf and thirty other citizens of Bowersville; of H. O. Collins and twenty-seven other citizens of Bowersville; of the members of the Presbyterian church, of Osborn; of E. W. Price and twenty-seven other citizens of Greene county; protesting against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Farrell presented the petition of C. A. Mutton and other citizens of Cuyahoga county; protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Stilwell presented the petition of the men's league of the Windemere M. E. church, of East Cleveland, against King proposal; which was referred to the committee on Liquor Traffic.

Mr. Stilwell presented the petition of Heaton Pennington, of Cleveland, asking for the removal of taxation from mortgages; which was referred to the committee on Taxation.

Mr. Rockel presented the petition of W. H. Bryant and twenty-eight other citizens of Clark county, protesting against the passage of the King proposal; which was referred to the committee on Liquor Traffic.

Mr. Fluke presented the petition of J. H. Keene and fourteen other citizens of Ashland county, against passage of King proposal, asking the delegates to retain the present constitutional provision; which was referred to the committee on Liquor Traffic.

Mr. McClelland presented the remonstrance of J. S. Hastings and twenty-nine other citizens of Knox county, against the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Johnson presented the petition of Frank Blair and fifteen other citizens of Williams county protesting against the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Brown, of Highland, presented the petition of S. Sulecberger and eleven other citizens of Greenfield, favoring the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Wise presented the petition of the United Mine Workers of America, No. 2112 and other citizens of North Lawrence asking to have the proposal of initiative and referendum submitted with percentages not to exceed 8% for referendum; 10% for initiative and 12%

Petitions and Memorials—Motions and Resolutions.

for amending constitution; which was referred to the committee on Initiative and Referendum.

Mr. Shaw presented the petitions of S. A. Pergory and fifty-one other citizens of Carrollton; of the Rev. J. W. Geier and other citizens of Carrollton; of the Rev. E. S. Bowers and other citizens of Sherrodsville, protesting against licensing of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Cunningham presented the petition of W. C. McGrew and twenty-six other citizens of Jewett, asking for the defeat of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Lampson presented the petition of P. E. Seamens and forty-eight other citizens of Ashtabula, praying for the adoption of Proposal No. 4, by Mr. King, licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Lampson presented the petitions of W. P. Steadman and other citizens of Ashtabula; of Fred G. Peck and twenty-three other citizens of Ashtabula county, praying for the defeat of the King proposal; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of the Huron Grange, of Huron; of L. W. Thomas, of North Fairfield; of J. E. Baldrige, secretary of the Y. M. C. A. of Delaware; of Charles H. Browning, of Oberlin, of a mass meeting at Kent; of the Ohio Woman's Christian Temperance Union, of Athens; of Fred S. White and eighty other citizens of Flushing; of W. A. Walls, of Kent; of Helen McCulloch, of Rushsylvania; of Ora Hughes, of Rushsylvania; of Sadie Criss, of Clarington; of I. A. Robert, of Rushsylvania; of S. W. Helvie, of Troy; of S. G. Titus, of West Mansfield; of J. Carlton Smith, of Toledo; of the West Second Presbyterian church, of Columbus; of H. T. Wise, of Athens; of R. E. Clewell, of Uhrichsville; of W. K. Rhonemus, of Middletown; of B. D. Herron, of Mt. Vernon; of the M. E. church, of Bellefontaine; of Maple Dale Grange, of Findlay; of Inez Osbourne, of Urbana, protesting against licensing the traffic in intoxicating liquors; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of Fred Haytcher and seventy-one other citizens of Ashtabula county; of Wm. King and other citizens of Clark county; of W. H. Deidrick and five other citizens of Columbiana county; of Fred Carle and forty-six other citizens of Crawford county; of J. T. Adams and nineteen other citizens of Cuyahoga county; of Charles G. Gentlemen and seventeen other citizens of Franklin county; of Wm. Raines, of Highland county; of R. E. Ong, of Jefferson county; of Ignatius Kugel, of Cincinnati; of S. G. Black and ten other citizens of Lawrence county; of Elmer Johnson and forty-four other citizens of Lucas county; of D. Livingston of Mahoning county; of W. F. Spees of Newark; of E. Wallace and thirty-eight other citizens of Medina county; of Ed Jones and twenty other citizens of Pike county; of D. B. Force and ninety-one other citizens of Summit county; of Eugene T. Cox and eighteen other citizens of Tuscarawas county; of Samuel Lyle and thirteen other citizens of Vinton county; of Chas. Saal and five other citizens of Wayne county, asking for the passage of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Knight presented the memorials of the North

Minster Presbyterian Sunday school of Columbus; of the Avondale U. B. Sunday school of Columbus, against unrestricted license of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Knight presented the memorials of the Neil Ave. United Presbyterian church, of Columbus; of the King Avenue M. E. church of Columbus; of West Park Avenue M. E. Sunday school, of Columbus; of Glenwood M. E. church, of Columbus; of Big Darby Baptist church, of Madison county; of West Second Avenue Presbyterian church and Sunday school, of Columbus; protesting against license of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Knight presented the memorial of the Ohio State Board of Real Estate Association, asking for the classification of property for purposes of taxation; which was referred to the committee on Taxation.

Mr. Johnson, of Williams, presented the remonstrances of G. W. Lilly and twenty-nine other citizens of Williams county; of Mrs. Celia Wertenbarger and fifty-four women of Pioneer; of A. S. Gish and sixty-two other citizens of Pioneer; protesting against the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Stilwell presented the petition of the German American Alliance of Cleveland, in favor of the King proposal; in favor of the initiative and referendum and against woman's suffrage; which was referred to the committee on Miscellaneous Subjects.

Mr. Stilwell presented the petition of Peter Thomas and thirty-nine other citizens of Cleveland, asking for the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Smith, of Geauga, presented the petitions of Munson Grange, of Munson; of Nettie S. Maynard and other members of the W. C. T. U. of Geauga county, against license system; which were referred to the committee on Liquor Traffic.

Mr. Tetlow presented the petition of John Canne and five hundred thirty-one citizens of East Liverpool, asking for the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

MOTIONS AND RESOLUTIONS.

The PRESIDENT: The first thing in order is motions and introduction of resolutions.

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

The resolution was read as follows:

Resolution No. 74:

Resolved, That the president of this Convention is hereby authorized to invite Governor Hiram Johnson, of California, to address this Convention at some future date that will suit his convenience.

The PRESIDENT: The resolution will go over under the rules.

Mr. DOTY: I offer a resolution.

The resolution was read as follows:

Resolution No. 75:

Resolved, That the use of the hall of the Convention is hereby granted to the standing committee on Taxation for the evening of February 27,

Introduction of Proposals—Reference of Proposals—Reports of Standing Committees.

1912, for the purpose of receiving an address by Hon. Robert M. Ditty, president of the Ohio tax commission.

By unanimous consent the rules were suspended and the resolution was considered at once and a vote being taken was adopted.

Indefinite leave of absence was granted Mr. Wagner on account of illness.

The PRESIDENT: The next order of business is introduction of proposals.

INTRODUCTION OF PROPOSALS.

The following proposals were introduced and read the first time:

Proposal No. 264—Mr. Dunn. To submit an amendment to article IV, section 9, of the constitution.—Relative to justices' courts.

Proposal No. 265—Mr. Dunn. To submit an amendment to article XV, section 13, of the constitution.—Relative to a commission against "wild cat schemes."

Proposal No. 266—Mr. Dunn. To submit an amendment to article V, section 2, of the constitution.—Relative to township and county tickets made up by petition.

Proposal No. 267—Mr. Dunn. To submit an amendment to article V, section 2, of the constitution.—Relative to non-partisan township and county elections.

Proposals No. 268—Mr. Dunn. To submit an amendment to article XVIII, section 5, of the constitution.—Relative to an income tax.

Proposal No. 269—Mr. Dunn. To submit an amendment to article XV, section 10, of the constitution.—Relative to an old age pension.

Proposal No. 270—Mr. Dunn. To submit an amendment to article XV, section 11, of the constitution.—Relative to a poor pension.

Proposal No. 271—Mr. Dunn. To submit an amendment to article XV, section 12, of the constitution.—Relative to pension for home guards.

Proposal No. 272—Mr. FitzSimons. To submit an amendment to the constitution.—Relative to the government of municipalities.

Proposal No. 273—Mr. Doty. To submit an amendment to article I, section 19, of the constitution.—Relative to the right to appropriate private property to public uses.

Proposal No. 274—Mr. Harbarger. To submit an amendment to article XII of the constitution.—Relative to the taxation of real property.

Proposal No. 275—Mr. Harbarger. To submit an amendment to article XII, section 2, of the constitution.—Relative to finance and taxation.

Proposal No. 276—Mr. Hoffman. Relative to limiting the power of the courts to declare acts of the general assembly to be in contravention of the constitution.

REFERENCE TO COMMITTEES OF PROPOSALS

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

Proposal No. 259—Mr. Read. To the committee on Legislative and Executive Departments.

Proposal No. 260—Mr. King. To the committee on Legislative and Executive Departments.

Proposal No. 261—Mr. Halenkamp. To the committee on Legislative and Executive Departments.

Proposal No. 262—Mr. Keller. To the committee on Initiative and Referendum.

Proposal No. 263—Mr. Matthews. To the committee on Legislative and Executive Departments.

REPORTS OF STANDING COMMITTEES.

Mr. Roehm submitted the following report:

We, your committee on Employes, beg to submit the following report for your consideration and adoption:

In view of an error in the original report, which provided for the appointment of employes, we find the name of A. Jacobs was omitted in said report, as custodian of committee rooms—and as Mr. Jacobs has been employed since the beginning of the Convention as custodian in the senate committee rooms, where our committees hold sessions—and after careful consideration by our committee as to the necessity of his services for this work, recommend that he be appointed and compensated for services performed beginning on the date of the convening of Convention and at the salary specified for such service.

The PRESIDENT: The question is on agreeing to the report of the committee and the secretary will call the roll.

The question being "Shall the report of the committee be agreed to?" The yeas and nays were taken, and resulted—yeas 91, nays 4, as follows:

Those who voted in the affirmative are:

Beatty, Morrow,	Holtz,	Okey,
Bowdle,	Hoskins,	Peck,
Brown, Highland,	Hursh,	Peters,
Cassidy,	Johnson, Madison,	Pettit,
Collett,	Johnson, Williams,	Pierce,
Colton,	Jones,	Read,
Cunningham,	Kehoe,	Redington,
Davio,	Keller,	Riley,
Donahay,	Kerr,	Rockel,
Doty,	Kilpatrick,	Roehm,
Dunlap,	King,	Rorick,
Dwyer,	Kramer,	Shaw,
Earnhart,	Kunkel,	Smith, Geauga,
Eby,	Lambert,	Smith, Hamilton,
Elson,	Lampson,	Stamm,
Evans,	Leete,	Stevens,
Fackler,	Leslie,	Stewart,
Farnsworth,	Longstreth,	Stilwell,
Farrell,	Ludey,	Stokes,
Fess,	Malin,	Taggart,
FitzSimons,	Marriott,	Tetlow,
Fluke,	Marshall,	Thomas,
Fox,	Matthews,	Ulmer,
Hahn,	Mauck,	Walker,
Halenkamp,	McClelland,	Watson,
Harbarger,	Miller, Crawford,	Weybrecht,
Harris, Ashtabula,	Miller, Fairfield,	Winn,
Harris, Hamilton,	Miller, Ottawa,	Wise,
Harter, Huron,	Moore,	Worthington,
Harter, Stark,	Nye,	Mr. President,
Hoffman		

Those who voted in the negative are: Cordes, Dunn, Partington, Stalter.

The report of the committee was agreed to.

Resolution Relative to Address of Theodore Roosevelt.

Mr. HOSKINS: I ask unanimous consent to introduce a resolution.

The unanimous consent was given and the resolution was read as follows:

Resolution No. 76:

WHEREAS, Theodore Roosevelt, ex-President of the United States, is to address this Convention on Wednesday, February twenty-first, at eleven-thirty o'clock, a. m. and

WHEREAS, There is a large demand upon the part of the public and friends of the members for admission to hear the address of the ex-president; and

WHEREAS, Information has come to certain members that the use of the Hartman Theatre can be procured without cost and has been tendered to the Convention; therefore

Be it resolved, That the president of this Convention appoint a committee of three to make arrangements for the use of the Hartman Theatre on said occasion and report thereon at the opening of the session on Tuesday morning and,

Be it further resolved, That the session on the morning of February twenty-first, be held at the Hartman Theatre in the city of Columbus.

Mr. HOSKINS: I have consulted with a number of delegates and introduce this resolution advisably. I do not know who got the ex-president here—

Mr. DOTY: We all did.

Mr. HOSKINS: But there seems to be a wonderful curiosity on the part of the public to see him. I have been informed that the members of the Convention would receive for distribution three tickets apiece and I have already gotten four hundred and fifty applications, and it is a question of getting a larger place for holding this meeting or my leaving Columbus or being mobbed. The management of this theatre has seen fit to tender the theatre to us. I can stand the mob as well as any of you, but I don't want to do it. I think we should take advantage of the very kindly offer, and it should not be considered as politics or anything pertaining to politics. It would enable our friends to hear the address much better than here.

Mr. BROWN, of Highland: I just want to say, Mr. President—

Mr. DOTY: I rise to a point of order.

The PRESIDENT: The gentleman will state his point.

Mr. DOTY: The gentleman has not risen and has not been recognized.

Mr. BROWN, of Highland (rising): Is it comprehended that admission to the theatre will be by ticket?

Mr. HOSKINS: Yes; and if there is any charge I will pay it. The tickets can be distributed through the membership and the only thing the membership would have to do would be to use their regular coupon ticket. I am in favoring of arranging for that—

Mr. DOTY: I rise to a point of order. Is the resolution on the table or before the house?

Mr. HOSKINS: I move that the rules be suspended and that the resolution be put on its passage.

Mr. HARRIS, of Ashtabula: Is the full capacity of

the theatre as to the distribution of tickets to be at the disposal of the membership?

Mr. HOSKINS: Yes.

Mr. DWYER: I just want to say that this hall was good enough for President Taft to speak in, it was good enough for Governor Harmon to speak in and I think it is good enough for Theodore Roosevelt to speak in.

The PRESIDENT: The question is not before the house, but the question is on a suspension of the rules.

The yeas and nays were regularly demanded, taken, and resulted—yeas, 52, nays 54, as follows:

Those who voted in the affirmative are:

Anderson,	Farnsworth,	Longstreth,
Antrim,	Farrell,	Mauck,
Baum,	Fluke,	McClelland,
Beatty, Morrow,	Fox,	Miller, Crawford,
Brown, Highland,	Hahn,	Miller, Fairfield,
Brown, Lucas,	Harris, Ashtabula,	Nye,
Cassidy,	Harter, Stark,	Peck,
Cody,	Holtz,	Peters,
Collett,	Hoskins,	Read,
Colton,	Hursh,	Riley,
Cordes,	Jones,	Rorick,
Crites,	Kehoe,	Solether,
DeFrees,	Kilpatrick,	Stewart,
Dunlap,	Kramer,	Stilwell,
Dunn,	Kunkel,	Walker,
Earnhart,	Lambert,	Winn,
Eby,	Lampson,	Wise,
Fackler,		

Those who voted in the negative are:

Bowdle,	Johnson, Williams,	Redington,
Brown, Pike,	Keller,	Rockel,
Cunningham,	Kerr,	Roehm,
Davio,	King,	Shaw,
Donahay,	Knight,	Smith, Geauga,
Doty,	Leete,	Smith, Hamilton,
Dwyer,	Leslie,	Stalter,
Elson,	Ludey,	Stamm,
Evans,	Malin,	Stevens,
Fess,	Marriott,	Stokes,
FitzSimons,	Marshall,	Taggart,
Halenkamp,	Matthews,	Tannehill,
Halfhill,	Miller, Ottawa,	Tetlow,
Harbarger,	Moore,	Thomas,
Harris, Hamilton,	Okey,	Ulmer,
Harter, Huron,	Partington,	Watson,
Hoffman,	Pettit,	Weybrecht,
Johnson, Madison,	Pierce,	Worthington,

The PRESIDENT: The motion is lost.

Mr. HOSKINS: I just wanted to test the membership to see if they wanted things done right or not. All I desire to say is I think it is a shame to put on a show like this and not put it on right. I ask leave to withdraw the resolution.

Mr. PECK: I hope you will all join me in voting against putting on any more such shows as this.

The PRESIDENT: Does the delegate from Auglaize [Mr. Hoskins] move to indefinitely postpone this resolution.

Mr. HOSKINS: If that is the way to ease the consciences of the members, I will make that motion.

The PRESIDENT: That motion will be proper when it comes up under the rules. The next order of business is reports of select committees, resolutions laid over, proposals for their second reading and consideration by the Convention.

Extending State Bond Limit for Inter-County Wagon Roads.

SECOND READING OF PROPOSALS.

Mr. LAMPSON: I call up Proposal No. 118, relating to the raising of the bond limit to aid in good roads. I desire to say that I shall not move to go into committee of the Whole, and in order that the amendment pending in the committee may also be pending in the Convention I yield to the gentleman from Hamilton.

Mr. HARRIS, of Hamilton: I offer the following amendment, and I desire to say that it is identically the same amendment I offered in the committee of the Whole:

Strike out all after line 12 and insert the following: "Provided, however, that the general assembly may contract debts and authorize issues of bonds to an amount which in the aggregate shall not exceed fifty millions of dollars for the purpose of constructing, improving, maintaining, repairing and rebuilding a system of inter-county wagon roads throughout the state; not to exceed ten million dollars in such bonds shall be issued in any one year, and there shall be levied and collected annually by taxation, an amount sufficient to pay the interest on said bonds, and provide a sinking fund for final redemption at maturity."

Mr. BROWN, of Highland: I offer an amendment which includes the one offered by me in committee of the Whole and also the one offered by the delegate from Erie [Mr. KING]:

Such wagon roads shall be determined under general laws, which shall provide for the equitable apportionment thereof among the several counties and for the payment of the cost by the state.

The provisions of this section shall not be limited or controlled by section 6 of article XII.

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

Mr. JONES: I do not exactly understand the purpose of introducing this amendment at this time. It is hard for anyone to intelligently act upon these matters which are presented in this way without any opportunity to see and consider the amendments as a whole. I take it that the object of the members having charge of this proposal is to force it to a vote in this Convention tonight, and upon these amendments introduced in this way. Now, I regard it as highly important on a matter of so great moment as this, with amendments made as these are proposed to be made, that a full opportunity should be given to consider these amendments after the proposal is printed as it is proposed to amend it, so that we can intelligently consider and act upon them. I do not think that they ought to be at this time pressed to a final consideration by the gentlemen having the matter in charge. As I gather from one reading of that amendment, it is a return to the very proposition we discussed for a day or so and then by unanimous consent it was abandoned by the committee and a substitute put in limiting the aggregate amount of these bonds to \$50,000,000.

Mr. LAMPSON: I intended to make a little statement if the gentleman will allow it. These are exactly the same amendments that were introduced in commit-

tee of the Whole when the committee last rose. They read just as they read in the committee of the Whole. They are the same amendments that have been pending in committee of the Whole, but inasmuch as we do not desire to go into committee of the Whole, we have offered them in the Convention, and in order to allow the opposition to offer an amendment we have combined the Brown amendment and the King amendment to one, making it an amendment to the amendment of the gentleman from Hamilton [Mr. HARRIS], for the purpose of giving the opposition an opportunity to offer theirs.

Mr. JONES: I am very glad to be corrected. As I heard the first amendment read, in the confusion I gathered that it was a return to the original proposition not to let over \$50,000,000 be outstanding at a time. I am glad to know that that feature is retained, and if the matter now stands as it stood when the committee of the Whole last rose, I desire to discuss briefly one or two features of this proposal which I think have not been discussed at any length, at least be any member of this Convention.

It has been urged from time to time in the argument of this proposition that we wanted a system to begin somewhere and end somewhere and that we could not do that without a system. And most eloquent language has been employed in discussing this alleged system as being an effective means of reaching the desired end, to-wit, of having these inter-county roads. Now, I want to call the attention of the Convention for a moment to some of the features of this proposed system.

In the first place, the system limits the amount that may be expended to \$50,000,000. When that amount is expended those of us who have not gotten any roads can do without them. There is no provision for doing anything for us, if, as is assumed, the only way to secure roads of the kind sought in Ohio is by a bond issue.

Another thing, that system does not provide how much of this \$50,000,000 is to be used in building roads. It may be used in maintaining and repairing roads. Part only may be used in the building of roads. It would follow that when these roads to the extent it is thought necessary to build them are completed, the rest of the fund may be used under this proposition for maintaining or repairing the roads.

This proposal was attempted in the main to be copied from the New York constitutional provision with reference to roads. Those who will take pains to examine that New York provision will find that the expenditure and bond issue were limited to the building of roads, or, in other words, using the exact language, "to the improving of roads." There is another feature of this system, and I can not dwell on these longer than to call attention to them, because I do not want to weary the Convention—another feature of this system is that these roads must be inter-county roads. No other kind of road can get any of the money. That inter-county phrase means nothing less than roads that extend from one county into another. Any road therefore that would cross a county line would be an inter-county road. So that this proposition might be extended to include any road or all roads that cross from one county into another, whether they start anywhere or go anywhere or not. It will doubtless be the answer to that that the intention of this whole movement is to construct roads

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from one county seat to the county seat of an adjoining county.

Mr. BROWN, of Highland: Will the gentleman permit a question?

The PRESIDENT: Does the gentleman yield?

Mr. JONES: If the gentleman will not interrupt I can get through in a very short time, and I can get through more satisfactorily to myself, and I hope to the Convention, without interruption. I, therefore, decline to answer any questions.

There is another feature to this system proposed by this proposal and that is—using the language—that these roads must be determined by general laws. What does that mean? Have any of us stopped to consider in detail and look forward—I confess I had not until the adjournment—to the legislative action under this amendment, to see what it means? It must be determined by general laws. That is, the same law which defines what these roads shall be and where they shall be, in Hamilton county, must also define what and where they must be in Ross county and every other county of the state. In other words, the legislature must by rule, general in its nature, and applicable to every county in the state, fix what and where these roads shall be. Now then, apply that a moment—first, to the determination of the class of roads that shall be covered, as to what kind of inter-county roads. The legislature could enact laws and would enact laws for the purpose of carrying out this scheme that the system of highways here to be established shall consist of a road leading from the county seat of each county to the county seat of each adjoining county. It is not conceivable that they would extend this to the little roads from one county to another, regardless of whether they went anywhere or started anywhere. That indeed would be the only practical general provision that could be made for the purpose of determining the location of these roads.

Now the legislature under this proposal must go further than that. It must not only establish where the location of the road must be, but what the road must be. The language of this proposal is that that must be done by general law. Therefore the same law that determines what Ashtabula county has will determine the county roads that Hamilton and Cuyahoga counties must have. If it is to be a brick road it must be determined by general law, and therefore all these roads must be of brick. If they are to be gravel or stone roads, the same law that determines it for one county determines it for every other.

I desire to call attention to what sort of a system you would have in Ohio with reference to these roads under this proposal. If you have a system that would provide that the roads shall be of brick, that would apply in the hilly counties of the state. Therefore if that hilly county is to have any of these inter-county roads it would have brick roads, under the same general law that determines it in the most populous counties of the state, and we would be pulling up a wagon on a brick road in a hilly county. Instead of a brick road increasing the amount that you could pull up a hill it would diminish the amount you could pull up a hill, so that so far as furnishing a means of transporting by wagon is concerned it would be a detriment to that locality rather than a benefit.

Again, not only these things must be determined by general law, but there is another more important thing that must also be determined by general law, and that is that they shall be equitably apportioned. Note the language, "equitably apportioned between the counties." Look forward to the legislature in session next winter when it comes to act under this law, and what will it do towards providing for equitable apportionment of the \$50,000,000 among the counties? Or, to use the language of this proposal; what will it do with regard to the equitable apportionment of this money. The road is not merely the location of it. It is the finished product of this scheme, and what will the legislature do under a general law in regard to providing for the finished product, the automobile roads, the wagon roads or whatever you want to call them? They must be equitably apportioned. Would they be divided equally between the counties without regard to population or the tax duplicate? Would anybody for a moment suggest that the supreme court would hold that that was an equitable apportionment of this fund? Would anybody for a moment suppose that the supreme court would hold that the equitable apportionment of these roads would mean the giving of them to the counties according to area or the population of each county? No; upon reflection it occurs to me that there could be but one interpretation put upon that phrase equitable distribution, and that would be to give these roads to the counties in the proportion the counties have paid for them. There could not be anything but equity in that proposition, and there could not be anything equitable in any other proposition.

Now, what about this scheme which gentlemen have lauded so much, this sort of equitable apportionment, in Ohio? This is the language of the New York provision. It is all right there, because there nine-tenths of the whole taxable property of the state lies within five miles on each side of the Erie canal and the Hudson river and in the two cities at the ends of that waterway. But in Ohio, what does it mean? Apportionment among the counties based upon the amount contributed from the tax duplicate of each county?

Here you have in each county about the same area. Cuyahoga has a little less than Fayette maybe; Hamilton has less miles of road than many of the other counties.

Now no county can get the improvement of all its roads. Under this system that can not be done. It is only the inter-county roads which the legislature defines by a general act, which can not mean more than a road to the county seat of the adjoining county. There couldn't be more than three inter-county roads in Hamilton county. If you adopt any other idea every bit of road crossing the county line would be included, and you would have so many roads that to start out on all of them wouldn't mean anything. That is not contemplated by this scheme. It is only the roads leading from one county seat to another. Therefore Hamilton county would have three, not to exceed four, and possibly only three that might be improved under this scheme. Now if those roads are to be given to the counties upon an equitable distribution, giving to each one of them an amount proportionate to what it pays, Hamilton county would receive five times as much

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money as it could expend on the improvement of inter-county roads within its borders. It would have five times the money necessary to build the finest brick roads that an automobile was ever driven over. What would be the result in the other counties? There are counties in the state that do not pay one-fortieth the amount of taxes that Hamilton and Cuyahoga counties pay, and if these roads are apportioned equitably what does it mean to the smaller counties, counties which have more miles of inter-county road than those two counties? Why, just run over these counties and you will see that every one of them would have from five to seven roads. In very few instances will they have only four—most of them five, some of them six and some even seven inter-county roads.

Now, what would be the result in the smaller counties if it is to be equitably apportioned, equitably distributed? A little county like Fayette, or a dozen others that might be mentioned, all of the counties outside of the cities, would get about one-fifth enough to build the inter-county roads that you are talking about. A little calculation will demonstrate that the average county in Ohio would not have enough to build one of the inter-county roads, let alone enough to build all of them. I made a little calculation with reference to my own county, and taking the tax duplicate as compared with the tax duplicate of Hamilton and Cuyahoga counties, we would only have enough—unless some favoritism is shown, and who must determine that—it must be by general law, not by the determination of any board, but by general law, and so if we only secure our proper share of this \$50,000,000 we would have enough to build about two miles of each of the six roads that lead from the county seat, with no hope of ever getting further.

There is another thing contemplated in this system. What would the people of Hamilton and Cuyahoga counties do with the balance of the money that goes to them? It must be used under the language of this proposal for roads and for no other purpose. But it must be paid by the whole state; it is the state's money. It must be used for this specific purpose and no other. Now, what would Hamilton and Cuyahoga counties do with the excess when they are limited in its expenditure to these inter-county roads? They would have several times as much money on hand as would be needed to build the roads, with no purpose to which they could devote it.

Again, what does that system further contemplate—this system that is going to start somewhere and get somewhere—if you keep in that clause that these roads must be equitably distributed between the counties? What does it amount to? It amounts simply to saying that we will return to each of the counties, not to be expended by the authorities of that county where they may think good roads are needed, not to be expended by the authorities of that county under the wise and wholesome doctrine of home rule, but return to each county just what that county has paid in, with this limitation, that the counties shall not have anything to say about the expenditure, but that the board of highway commissioners in Columbus, or the legislature by general law, applicable to every county—although one county may need an entirely different road from another, and need it at an entirely different place from another—but by gen-

eral law the legislature shall determine the location and kind of road in every county. This foreign body will expend the money in Hamilton and Cuyahoga counties in the places where they think will make the best roads and in the manner in which they think best. More than that, they will come down to the small counties with the little pittance, not enough to build one-fifth of the roads necessary in the smaller counties, and say to the people of those counties, "We will determine the county roads you shall have, and where you shall have them" and then we will stop and be without power to go further.

The result of the whole thing will be, when it is boiled down to its last analysis—it amounts to nothing more than this under that rule, and I concede that this is an essential element in the proposal—no body would think any proposal could be carried if it did not have these elements of being determined, "by general law" and "equitably apportioned," but with those things in there it simply amounts to this: We will raise from these counties an amount of money and return that same amount to them subject to the control as to the manner of expending it and everything else—subject to the absolute control of a body here in Columbus.

Now I say that is a system with a vengeance. That is starting somewhere and getting somewhere surely. Outside of the large counties of the state, in nine-tenths of our counties, that would amount simply to one or two miles out in the country, whether you get anywhere or not.

We do not want such a system and whenever you hear from the people in a way that will call forth an expression from them, you will find that with an almost unanimous vote they will be against this whole proposition.

The trouble with the whole scheme is that it is backed by a special interest, and like all other measures backed by special interest it can not help having viciousness in it although there may be some good.

There are only three classes of people interested in this matter. The first great one is the user of the pleasure vehicle, the automobile. I have no objection to an automobile road. As I say I have an automobile myself.

The next class interested is people living right along the road, the abutting property owners. The gentleman from Greene [Mr. FESS] the other day spoke eloquently in support of this measure and charged that those who opposed to it were actuated by petty jealousy and selfishness, and he appealed to this Convention, saying the people of Greene county were for it. To give you an idea of how the people of Greene county were for it he read you a telegram. He didn't read you the name. I asked him to let me see the name of the writer of the telegram. Now, he evidently read that telegram to the Convention to influence members of the Convention. He was laboring under the delusion that that telegram voiced the sentiments of the people of Greene county, and it turned out to be a telegram from Ed. Kelly, the inventor of an automobile tire, who has made a large fortune out of it. He is a manufacturer of road rollers and road machinery, and owns a farm of sixteen hundred acres lying right on the road from Xenia to Springfield, one of the first roads to be improved under this proposal, and his farm lies on both

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sides of it. Now my good friend gets up and says that that is the voice of the people of Greene county. Ah, gentlemen of the jury [Laughter] I mean of the Convention, just that sort of thing has done more than anything else to undermine the foundations of representative government in this country. That is a very good illustration of how the very best men that you can send to a deliberative body are liable to mistake the voice of a few for the voice of the people and thus be led not only themselves into error, but lead others into error that he seeks to influence by such means.

For myself I am situated much like Mr. Kelly is. There are in our county only five or six roads that would be improved by this scheme if it is foisted on the people of this state, and if the roads are built of brick, as they doubtless would be, because no other road will stand the use of the automobile, those roads would run right in front of farms that I happen to own in Fayette county that are larger than Mr. Kelly's farm and three of which would be right on the main roads and would be increased in value \$25 an acre. But I would rather go home with my right hand missing than to stand up in this Convention and argue for a proposition like this and go back to my own people and have them throw it up to me that I stood here arguing for a proposition which would put into my own pockets \$50,000 in increased value of that land.

Now the next class interested in these roads is the people at large, whose interest is considerable but nothing like the interest of either the automobile owners or the owners of land abutting on the road.

I say that this proposition should take the form that I urged the other day. Let it be based upon a recognition of that general principle which we apply in the building of streets and other improvements. Let it be founded upon the principle, not that the whole people shall build the roads for the benefit of a few, but that the whole system and scheme shall be based upon the proposition that the burden of those roads shall be distributed according to the benefits received, and that would involve putting a license fee of from \$30 to \$50, which is a merely nominal one—\$30 would be nominal and \$50 would not be high—put a license of \$50 on automobiles and that would raise anyhow \$5,000,000 a year. Then put upon the people owning the abutting property what would be their fair share, measured by the increased value of their land, which increase is not obtained by anybody who lies off of the road except to an insignificant amount.

Lastly, let the third class of people interested in the roads, the general public—and they are considerably interested, but to a less extent than the others—let them contribute what they rightfully should, and when you meet this proposition on that footing and that basis, when it is approached from that angle and the legislature is appealed to with \$5,000,000 laid down by the automobile owners of the state, and with another large share laid down by those owning property abutting on the roads, whose property is improved by the roads, then you will have no trouble in getting the legislature to come up on behalf of the people as a whole with the balance; but until you do recognize in this system that fundamental principle that the burden should be distributed according to the benefits you will be troubled

both in this proposal as a constitutional amendment and in every act of the legislature attempted to be made under it.

Mr. STILWELL: I offer an amendment:

The amendment was read as follows:

Strike out all after line three and the pending amendment and substitute the following: "In the year of 1913 and each year thereafter including the year 1922, a tax levy of three-fourths of one mill on the grand tax duplicate of the state shall be levied by the general assembly for the construction of good roads in the manner to be provided by law. In the year 1922 the advisability of continuing such levy shall be submitted to a vote of the people.

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

Mr. STILWELL: I realize that much has been said upon this proposition and I only want to call attention of the delegates to just one little phase of it at this time, and that is the difference as between the original proposal and the present amendment and the substitute that I have offered.

Under the valuation of the property in Ohio at the present time this three-quarters of a mill levy will raise \$4,875,000 and the probabilities are that by the increased valuation of the property it will reach in the neighborhood of \$6,000,000 at the end of ten years. So that we may presume—reasonably so at least—that at the end of ten years this substitute provision will have raised between \$55,000,000 and \$60,000,000. Now I just want to call your attention to the difference in the respective amounts raised.

Under the original proposal and the two amendments the sum that would be raised each year for forty years is \$2,342,500. By raising a little more than twice that sum, not for forty years but only for ten years, we get not \$50,000,000 but approximately \$65,000,000, from \$60,000,000 to \$65,000,000. So I am submitting to the Convention the plain fact, is it not more profitable to the state of Ohio and to its citizens to raise the fund for good roads by a direct levy covering a certain period of years than it is to issue bonds?

Mr. HURSH: I wish to say in relation to the substitute of the gentleman from Cuyahoga [Mr. STILWELL] that you can no longer accuse us of being against good roads. We are willing that you shall not only have \$50,000,000 for good roads, but in the next ten years practically \$60,000,000 for good roads, and we have provided further than the practical use of the referendum may be applied there. And from that time on we can continue this system of good roads.

It was called to your attention last week that certain agricultural communities and certain Granges of this state were in favor of this bonding proposition. I fear, my friends, when you go back to the people and when you explain the details of this so-called proposition you will find a very different feeling. To show you something of the feeling that exists in my county if you will permit me, I will read you a resolution from the county of Hardin:

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KENTON, February 17, 1912.

FRANK J. HURSH,
Columbus, Ohio.

Hardin County Grange No. 43 is opposed to the state of Ohio issuing bonds for any purpose. Further, we are in favor of good roads and that we may have them we are willing to bear our share of direct tax for that purpose. We further believe that it is a safe assumption that ninety-five per cent of the farmers of this county are opposed to what is known as Proposal No. 118 and its pending amendments. We therefore urge you to use your every honorable effort in carrying out the spirit of these resolutions.

H. J. MYERS,
FRANK B. RAREY,
C. C. McMILLAN.

Now, friends, this particular meeting represented a dozen Granges in that county. I want to say to you that we people in the western part of Ohio have in most of the counties built our roads. We have spent millions and millions of dollars on our turnpikes. You will find that I am not a prophet, but if you allow this original proposition to go through I am going to make a prediction here, and I ask you to watch the returns to see whether I am right. Throughout these counties that have largely built their pikes and stone roads you will find an overwhelming—yes, I will say, an awful—adverse vote to this proposition.

Friends, we are not opposed to good roads; we want them. We have built our own roads by taxing ourselves and when we get up a pike petition we say to a man to whom we present it for signature, "Here, sign this petition. You will pay your share of the pike tax, but for every dollar you pay into the county treasury your property will be enhanced probably \$1.50."

Now there is another feature, upon which I need not dwell, that is involved in Mr. Stilwell's substitute. I want to call your attention to a thing that has hardly been discussed on this floor, and that is what the last general assembly did in this regard. The last general assembly passed what was denominated a good roads bill. I believe it had the sanction and encouragement of the good roads people, and that bill provided for all the working machinery for this good roads proposition. For reasons that the governor thought were best, namely, to protect the one per cent Smith law, he vetoed two or three sections which provided for the raising of the revenue. Now the argument that the legislature will jeopardize its political life by voting money for good roads is not true, at least as applied to the last legislature. Remember, friends, that conditions are different now. Remember that economic conditions and social conditions are such in this country that public opinion is forcing the people, or the legislators, or what it may be, to build the good roads, and from now on the raising of the tax levy need not bother you. The people will be with you on it.

But, friends, I have not touched the worst feature of this proposition, and now, if you will permit me, I am going to make a practical application to my so-called progressive friends. I want to say that the proposition of bonding the state of Ohio is a proposition that ought to be approached carefully by you delegates, and I ask

you kindly, those of you who have already closed your minds and made them up to vote for this proposition, to open up and let them be susceptible to another phase of this question. Personally I am opposed to bonding the state of Ohio. Now then, my labor brother and my farmer brother and all of you who believe in the progressive movement of the day, who realize what we all know now, that from the land wealth is created and that at last everything depends on the laborer, just let me call your attention to this: We find our nation is bonded, our states are bonded, the counties and municipalities are bonded to their eyes and in the industrial world everywhere are bonds. It is bonds, bonds, bonds, and I want to say if you could sweep from these United States all the bonds you would have smashed the foundations of credit. Now, further, there is one fair spot, the good commonwealth of Ohio, that through the wisdom of our forefathers of 1851 closed the doors and has not yet opened them to bonds. Had the doors been left open do any of you here to-night question that, judging our state from other states and political subdivisions, we might have had a hundred million dollars or two hundred million dollars of bonds on us? Is there one man who can say that the state of Ohio is worse off today because it is not in debt?

Now, friends, we have one green oasis left in this desert of debt, and yet, not satisfied, privilege wants to break down the barriers and put its unclean hands upon the vitals of Ohio. I want to say to you in all fairness that I hope if your minds have been closed you will consider seriously and fairly this minority proposition, because we will go the whole way with you. We will go further, and if it is a good thing I hope, under this substitute provision, we can keep on going, year after year, building good roads.

Mr. HAHN: Mr. President: Aesop, the Greek fabulist, tells a story about a husband who had two wives, an old and a young one. The old one liked to see her husband old and therefore whenever she had a chance she plucked out any of his black hairs she could get hold of. Again the young wife whenever she saw a gray hair on her husband's head freed him of it. What was the consequence? He was soon without any hair.

Gentlemen, I have been listening here to arguments for about two weeks. They have been very interesting, but very often lacking the right spirit, and too often they amounted to nothing else than plucking each other's hair. But for all that I think it will come to a satisfactory understanding. In the Bible, the Great Book, the Book of all Books, we read that when the king of Persia sent Zerubabel as governor to Palestine to build the second Temple he met with hindrances that seemed insurmountable. He was afraid of them and believed that there was no prospect for success. But the prophet Zachariah did not despair of the condition. Addressing him he said, "Be not afraid, it goes not by might and not by power. It is by the spirit, by the right spirit." Gentlemen, that is the way in which we can succeed and accomplish our object here—by the right spirit.

The most objectionable point here is the bond question. Leave the bond question out and the other part can easily be solved. Our friend from Hamilton county [Mr. HARRIS] laid before us a plan for the bond issue. If the people desire to have a bond issue his plan is cer-

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tainly excellent; but I doubt very much whether the people wish to have bonds issued. I for one am against it. Why should we issue bonds? Is there any emergency before us that demands it? Is there a war? Is there an invasion? Is there any insurrection? Nothing of that kind. It is merely to have the money ready whenever needed. There is no reason for the issuing of bonds for that purpose.

We have been sent here by our constituency to secure for them the initiative and referendum. What does initiative and referendum mean? It means to give them back the sovereignty which has been partly taken away from them. Is it sovereignty when you with one hand give the people the methods of independence and with the other hand put them in bonds, in bondage, in debt-slavery. These two ideas are incompatible. Incidental to sovereignty, is the privilege of levying taxes but the incurring of debts does not speak well for sovereignty. Moreover, for a great state like Ohio to go into the money market and ask credit for \$50,000,000 or \$60,000,000 is just as great a humiliation as it would be for a rich man to have to mortgage his property on account of \$50 or \$100. The present indebtedness of the state of Ohio is not more than \$750,000. Why issue bonds when it means nothing else but leading the people into bondage? I hope that this Convention will save Ohio from such humiliation. I have listened with the greatest attention to the argument only a few minutes ago advanced by our friend from Fayette county [Mr. JONES]. But I ask him is money everything? Is the multiplication table everything? Is mathematics everything? Money is not everything, figures are not everything, mathematics is not everything. Everything depends upon the spirit that animates and actuates the people. There are certain hidden sources which lie behind money, which lie behind the multiplication tables, and which lie behind all figuring, and these hidden sources have not been touched here in the discussion of this proposal. It is the honor and dignity of the state we should consider. Eliminate the question of the issuing of bonds and the proposal will surely meet the approval of the electors. Some of the delegates talk as if the state of Ohio were a poor commonwealth, unable to stand \$50,000,000 or \$60,000,000 in order to get better roads. Ohio is a rich state, she has money and credit; an amount of \$50,000,000 is only a trifle, a bagatelle for such a great commonwealth.

There is a story about a French king who wherever he came on his travels was received with great attention. Everywhere the nights were turned into days in his honor. But he came also into one city where no illumination was prepared for him. The mayor and the council of that municipality turned out to receive him and on meeting him first of all they excused themselves for not having made any display in his honor. "Your Majesty," the mayor said, "we have ten reasons why we have not arranged an illumination. The first reason is we have no money. The second reason is we have no credit either, and the third reason is — "Oh," interrupted the king, "those two reasons are sufficient excuse." That is not the situation of the state of Ohio. The state of Ohio is a rich state. She has an area of over forty thousand square miles; with five millions of diligent, energetic, enterprising, intelligent inhabitants, and has no

debt. As to the fear expressed here that some of the counties might have to pay more than their share towards the building of good roads allow me to say arouse the right spirit of fellowship among the counties and if that is done there will be no county in this great and rich commonwealth that would not be ready to do something for the sister counties less able to bear the burden. The right spirit consists in a keen sense of responsibility. The people know that civic virtue demands responsibility for one another. There is a fellowship between the counties just as between individuals. The richer man has to come to the rescue of the poor brother and so has the wealthier county to come to the rescue of its poorer sister. The people of Ohio will have no difficulty to raise \$50,000,000 or \$60,000,000 by way of a taxation of "pay as you go" for such a great and noble cause. Suppose the good roads, as suggested here, should require \$50,000,000 or \$60,000,000. What is that for a state like Ohio that has a taxable property of not less than \$6,250,000,000? A tax of one mill put on that amount yields \$6,000,000 and more every year. And even if the rate would be less than a mill, as Mr. Stilwell proposed, that sum would be sufficient to pay that obligation. Besides this take into consideration the suggestion of Mr. Jones to have a license fee for automobiles applied toward the payment of that debt. Under such circumstances we should not drag the state into the issuance of bonds. I thank you, gentlemen, for your kind attention.

Mr. FITZSIMONS: Mr. President and Gentlemen of the Convention: The more I listen to this good roads proposition the less use I have for it. We have got down now to that point where it is appearing as a crazy-quilt proposition. Every county is to have, largely under its own control and at its own expense, the building of the roads within its limits. If it cannot put up the wherewith for the roads there will be no roads. Those counties that have the means of putting up the wherewith to build the roads, have the roads largely at the present time, but when they get to the continuation of the good roads system of Ohio they get, as our friend over there said the other night, "from nowhere to nowhere".

To my mind this question will never be settled until it is made a state proposition, under absolute state control, with the entire state of Ohio taxed for the expense. Then if there be any unfortunate parts of the state that have not the wherewith to put up for the roads, we will put it up for our own benefit and comfort.

But, my friends, we don't propose to pay any gentleman for the privilege of building good roads in the state of Ohio. I have been taking that up with some of my constituents since I returned home last week, and we have gone over all this plan and figured it up. I find if we tax ourselves one mill on the dollar on the grand tax duplicate that it will give us \$6,250,000 a year. In eight years we would have \$50,000,000.

But the gentleman from Hamilton [Mr. HARRIS] said the other day that it was so much better for us to borrow at three and a half per cent than to pay a banker six per cent for the use of the money with which to pay our taxes. Let us look into that question. On the face of it it looks plausible, but figures are another proposition. I find if we borrow, that the interest extending

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over eight years at six per cent will amount to and we shall have to collect from ourselves, \$13,500,000. That is not three and a half per cent, but to your uncle at the corner, where you will have to borrow it, it is six per cent. The \$50,000,000 that we would borrow for good roads and tax ourselves in eight years for interest to the extent of \$13,000,000, that would make \$65,000,000. Now take the basis of good roads at \$10,000 a mile. It is immaterial for my purpose whether that is correct or not, but with this proposition, with \$50,000,000 to begin on and \$10,000 a mile, we can give the people of the state of Ohio for the money they have furnished us for good roads a mileage of 5,000 of good highway, at a cost, taking all charges, of \$12,700 a mile. Now if we go to work and sell \$50,000,000 of bonds, running thirty-five years, drawing three and a half per cent interest, with all the risks incident to a sinking fund proposition, we find that the sum total of that is \$111,250,000. That is before it is finished—before it is a closed incident, if you please. For that \$111,250,000, we get five thousand miles of good highway in Ohio at a cost of \$22,250 a mile. Gentlemen, where has the \$9,500 a mile gone in that proposition? That is a pretty round sum of money for us to be throwing around carelessly. Now if we take this \$111,250,000 and build the roads ourselves with it, I find that by even taxing ourselves at one-half a mill per annum in the unexpired period of time the bonds would run, namely, twenty-seven years, we will have, in addition to the first amount, \$194,125,000, for which we will have eighteen thousand miles of good roads in the state of Ohio that will cost approximately \$10,780 per mile. That is where we are doing the business ourselves and we are paying no man tribute for the privilege of transacting our own business. There is the difference between a bond issue and paying cash as we go. I am not looking for a job. I have been trying to get out of one for some years, but I would not ask a better proposition than to build the roads of the state of Ohio on a cash basis at the figures I have given you and leave you no bonds after the roads are built. There are the figures, and if you find them wrong correct them and throw them at me.

Now just a word on the bond proposition. We are in session six weeks and upon my word it looks to me as if we came here bond hungry. We were scarcely organized before we began talking about bonding the state, an institution that has not had a bond for sixty-one years and our first effort is to tie the state up. Are we ever going to get tired of that? Are we going to do nothing but leave a heritage of bonds and indebtedness to the people of this state? I heard one of the friends talking about war, that if we have war it is all right to issue bonds. No, sir; it is not necessary to issue bonds in time of war. Frederick the Great fought Europe for seven years and never issued a bond. He exhausted Prussia down to the point where the women pulled the plows so that the horses could pull the guns. It is not absolutely necessary to issue bonds to fight a war. The bonds that we are paying now are simply the tribute that we are paying to some of the fellows who burned gunpowder fifty years ago. Why, gentlemen, if you have nothing to leave your children but a bond issue, let's stop right here. Let us not issue bonds. Let us give

Ohio back to the people as we found it when we assembled in this meeting.

Mr. PIERCE: I said about all I wanted to say on this subject the other day, but I see now it is proposed to issue \$50,000,000 in bonds instead of levying one per cent on the general tax duplicate of the state. I want to say, so far as I am personally concerned, that it does not matter to me whether the proposition is to issue \$50,000,000 of bonds, or \$10,000,000, or any other amount of bonds, I am opposed to the whole bond scheme. There is absolutely no necessity to issue one dollar of bonds, and I object, and I know the people will object when they go to vote on it, to bonding this state for \$50,000,000 or any other sum.

When we discussed this question before I had figured it would take over \$117,000,000 of interest alone to pay these bonds. My friend from Hamilton county [Mr. HARRIS] said I figured correctly. I told the Convention I was not very good at figuring, but it happened in this case that the figures did not lie. Now they have figured this thing down so they say it won't take \$117,000,000 of interest, but it will require under Mr. Harris' plan only \$18,200,000 of interest. Gentlemen, it is the principle that I object to and not the amount of bondage. Therefore, I am opposed to it. I know my friend from Hamilton made a very ingenious argument. He is an expert in figures and he tells the Convention we could get rich by going in debt. That is a new principle of political economy to me, and I don't understand it. I thought if a man didn't have to go in debt and went in he was foolish in doing it; that if he didn't need a thing he was foolish to go in debt to buy it. My friend from Hamilton [Mr. HARRIS] has a different theory. He tells you that individual money is worth six per cent. He tells you that you can get rich by borrowing money from the state at three and a half per cent and putting your money out at six. That looks plausible, but if you borrow money and don't need it and are paying interest on it, I don't see how you could get rich doing that. If his theory is correct, instead of standing up in this Convention and advocating a bonded indebtedness of \$50,000,000 for the people of Ohio, he ought to ask for \$650,000,000. Why? Because if we save two and a half per cent on a dollar according to his plan, the more bonds we issue the better it would be for us and the more money we will make. If we issue \$650,000,000 of bonds and save two and a half cents on a dollar we will save \$16,250,000 a year, and in thirty-five years we will save \$568,750,000. After a while you will get the roads built for nothing and a bonus thrown in for building them, according to the gentleman from Hamilton [Mr. HARRIS]. Why his argument seems to me to be as foolish and absurd as a story I heard told in 1896. It happened in Kansas that a fellow died and he was a stranger in the land. A few people gathered in for the services and they got a minister who read a chapter from the Bible and offered prayer, and then he looked around over the congregation and said: "Is there any one here who knew the deceased and would like to speak of him?" Absolute silence reigned. Presently a tall, lank, long-haired gentleman got up in the back part of the hall and said: "If no one wishes to speak in behalf of the deceased, I would like to occupy the time in discussing the question of the free coinage of silver at the ratio of sixteen to

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one." It seems to me the proposition of the gentleman from Hamilton [Mr. HARRIS] is almost as ridiculous as that kind of a speech at a funeral. Now these gentlemen are afraid that we won't get somewhere, that we will not get a start. Gentleman, I ain not afraid you will not get a start if you let the bond sharks get in on the people of the state, and I am not in favor of giving them a start in that direction. I want to keep them out, and that reminds me of another story. There was a couple in West Virginia, an old farmer and his wife, living out in the back hills, and they concluded at last that they would go to the city and see the sights; so they hitched up the old dun mule that my friend from Defiance [Mr. WINN] was talking about, and when they got to the town they had a horse, like the horse David Harum sold to the parson, which would stand without hitching, and they left the horse and went to the railroad station to see the train. They had never seen a train of cars before and they went around, looked at the train a long time and discussed it and talked about it until finally the old man said, "Samantha, I am satisfied of one thing." "What is that, Silas?" "I am satisfied they can never start that goldurned thing." After awhile the engineer started the train and as it went around through the hills, going faster and faster all the time, the old man looked at it in amazement and said, "Samantha, I am satisfied of another thing." "What is that, Silas?" "I am satisfied they can never stop that goldurned thing." That is what I am satisfied of. If you throw down the bars and let these bond sharks start, you will never stop them.

Mr. FITZSIMONS: And it is not intended to stop them.

Mr. PIERCE: No, sir; it is not intended to stop them, I do not want to take up the time of this Convention, but I would like to read for the edification of the members present a little paragraph from the Engineering News, which I believe is recognized as the ablest engineering paper in the United States. They are the sentiments uttered by Governor Dix, of New York. The paragraph is not very long and I hope you will pardon me if I read it. He says:

By a vote of the people of this state there was authorized an expenditure of \$50,000,000 for highway improvement. I think you should know the debit and credit side of this account. In 1907 a map was produced by the legislature indicating a system of highways known as county roads, aggregating a total of 8,380 miles. In other words, after the authorization of this vast expenditure, it was determined by experts that 8,380 miles of improved roadways would be constructed. Subsequent to this determination another system of highways was established known as state roads, aggregating 3,055 miles, which has been increased to 3,494 miles, making a total of 11,000 miles to be made a direct charge against this \$50,000,000 bond issue.

Today we find that when all the work under contract shall have been completed and paid for there will have been expended of the \$50,000,000 bond issue \$25,500,000, with the result that only 2,479 miles of the county roads have been improved out of 8,380 contemplated, and only about

543 miles of the state roads out of the 3,494 miles contemplated.

The average cost to the state of these improved roads has been about \$9,000 per mile, not including the money which has been paid by the counties. The legislature has appropriated in special acts \$3,995,000 for certain state roads, which added to the \$25,500,000 already contracted for, makes a total of \$39,455,000 expended and leaves approximately but \$10,500,000 for distribution on a general allotment.

It is evident that the distribution of expenditure for improving roads has not been made with the idea of completing roads on the map as approved by the legislature in 1907 with the money provided. You will observe that 50 per cent of the money has been obligated and only 25 per cent of the mileage will have been completed, and, if I mistake not, another bond authorization will be demanded by the people to adequately meet the demands of agriculture and of trade and traffic.

I was convinced that extravagance permeated the construction of these highways and county roads. There was no sound argument why state roads should cost exceeding \$12,000 per mile and an additional cost for engineering greater than the engineering cost of important railroad construction, and it should not, if the public dollar purchases as much as the private dollar.

That is what the governor of New York said. They didn't build one-half the road they contemplated building with the enormous expenditure of \$50,000,000. They expended it in engineering on roads, the cost of which was greater than the engineering on any great railway system, and I say to you that will be the case here. You are talking about getting five thousand miles of road in this state for \$50,000,000. I want to assure you a large per cent of that \$50,000,000 will not go on the roads, but for salaries, costs and expenditures that the Convention little dreams of, and I say we ought to look very carefully into these things. It is our duty to do it. I do not want to throw down the bars of the state and authorize it to go into the road-building business without providing for the expenditure of this money under a system of home rule. I expect before this Convention adjourns to hear a great deal said in reference to home rule, and I expect to hear a lot of these proponents of this good roads scheme get up and hollow very loud for home rule and when they do, I want to ask them why they didn't apply home rule to the expenditure of this money in the building of these roads. I want to know where the difference is. The whole thing is wrong. I am for home rule not only on the road proposition, but on every proposition that comes before this Convention. Why should we not have it? Why should we want this money expended by a lot of kid-gloved, high-hatted gentlemen from Columbus known as the highway commission? I want the farmers to know something about it. I want them to have some say about where this money shall be expended and how. I agree with the gentleman from Fayette county [Mr. JONES] that we want an equitable distribution of this money, and under this plan we will not get an equitable distribution. The only thing we shall

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get will be the privilege of paying the bonds, and that is about all we can expect. Only one more word and I am through. I want to say after the adjournment of this Convention the other day I went to my people of Butler county. I took a great deal of pains to ascertain public sentiment on the question of bonds, I say to you I found only one man in the entire county of Butler out of the total number that came to my office and that I talked to on the streets in favor of this system of road building, and that gentleman is a lawyer who has an automobile and is the attorney for a national bank.

Mr. FACKLER: As a boy upon the farm I can remember the discussion on good roads. I remember attending meetings at a district school house where we discussed this good roads proposition. I remember then that the argument of the farmers was, "Wait until the state helps us with the good roads movement and then we will take charge of it." In other words, let the town wait for the township, the township wait for the counties and the counties wait for the state. Now they want us to wait for the nation, and some of them would like to contribute to the building of long stretches of roads in Texas.

Two lines of argument have been presented here. The first line has been directed towards the inadvisability of the issuance of bonds. We issue bonds in our city for street improvements, and this is the same character of improvement, only it is the building of a highway throughout the county instead of a street in a short residence district. How many of us are there who do live in cities where assessments are levied upon the property who take the advantage of paying in a lump rather than through the bond system? There is not a man in this Convention who owns property abutting upon improvements who does not know that is the best way for carrying out these great improvements. The next thing to consider is why people say they are against this good roads proposal? Of course nearly every man who has spoken has said he is for the good roads, but he ends by opposing the only practical way by which the good roads can be obtained by the state-aid proposition. I come from a county that would probably get a smaller proportion of benefit from the good roads fund than any other county. Cuyahoga county will bear one-tenth of the burden; and if we would look at it in the narrow, selfish, sordid way that some men here seem to be considering it, we would oppose it, but with the crowding of the population in the great cities it is of the greatest importance to this country to make farm life more attractive, in order that we can get more people on the farm, produce more and lessen the high cost of living, and to do all this we can not do anything that would aid so much as good roads.

Mr. PECK: I have listened with a great deal of interest to this rather long debate, and my views have been slightly modified by what I have heard. For instance, I am satisfied by the argument made by the delegate from Fayette [Mr. JONES] that the idea of apportionment of any kind is impossible. He completely reduced the idea of apportionment in proportion to the amount of taxes collected to an absurdity. Almost any other sort of apportionment can be treated in the same way. I think that proposal ought to be stricken out. I do not believe it is workable.

Mr. LAMPSON: May I ask the gentleman a question? I have a modification I would like to read. Suppose the matter of apportionment should be made to read as follows: Such wagon roads shall be determined under general laws, and the cost thereof shall be paid by the state?

Mr. PECK: With that I am perfectly satisfied, and, Mr. Chairman, I particularly rose to demand the previous question on the whole subject.

Mr. LAMPSON: Before the previous question is demanded, I would like to have this modification of the amendment pending, according to the way I have read it.

Mr. PECK: By general consent that can be modified.

Mr. LAMPSON: Is there any objection to modifying it so that it reads "Such wagon roads shall be determined under general laws, and the cost thereof shall be paid by the state"?

Mr. JONES: I think objection should be made to that being offered at this stage.

Mr. DWYER: We are perhaps twenty-five members short and there are too few of us present to take a vote on this matter, I think we should wait.

The PRESIDENT: It takes ten persons to demand the previous question. Is the previous question demanded?

The proper number of persons rose and joined in the demand.

Mr. DOTY: I desire a call of the Convention.

Mr. PECK: It takes ten men to demand the call of the Convention.

The PRESIDENT: No.

Thereupon the roll of the Convention was had.

When the following members failed to answer to their names:

Campbell, Evans, Henderson, Norris, Shaffer, Tallman, Wagner, Woods.

The PRESIDENT: The sergeant-at-arms will please close the door and not permit the members to leave the house.

Mr. HARRIS, of Ashtabula: I ask that the sergeant-at-arms be directed to send—

Mr. DOTY: A point of order, Mr. President.

The PRESIDENT: The gentleman will state his point.

Mr. DOTY: There is a roll call going on.

The president announced that one hundred eleven members had answered to their names.

Mr. LAMPSON: I move that all further proceedings under the call be dispensed with.

The motion was carried.

The PRESIDENT: The question now is, Shall the debate close?

A vote being taken the same was carried.

The PRESIDENT: The question now is on the adoption of the amendment offered by the delegate from Cuyahoga [Mr. STILWELL].

Mr. DWYER: And on that I demand a roll call.

Mr. PECK: I hope that the section will be beaten because that contains this apportionment business.

The question being "Shall the substitute of Mr. Stilwell be agreed to?"

The yeas and nays were regularly demanded, taken, and resulted—yeas 44, nays 67, as follows:

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Those who voted in the affirmative are:

Baum,	Eby,	Leslie,
Beatty, Morrow,	Farnsworth,	Marshall,
Beatty, Wood,	Farrell,	McClelland,
Beyer,	FitzSimons,	Miller, Fairfield,
Brown, Pike,	Fluke,	Moore,
Cordes,	Hahn,	Pierce,
Crites,	Halenkamp,	Roehm,
Crosser,	Harbarger,	Solesher,
Davio,	Harter, Huron,	Stalter,
DeFrees,	Hursh,	Stilwell,
Donahey,	Johnson, Madison,	Stokes,
Doty,	Johnson, Williams,	Tannehill,
Dunn,	Jones,	Thomas,
Dwyer,	Keller,	Watson,
Earnhart,	Kunkel,	

Those who voted in the negative are:

Anderson,	Hoskins,	Peters,
Antrim,	Kehoe,	Pettit,
Bowdle,	Kerr,	Price,
Brattain,	Kilpatrick,	Read,
Brown, Highland,	King,	Redington,
Brown, Lucas,	Knight,	Riley,
Cassidy,	Kramer,	Rockel,
Cody,	Lambert,	Rorick,
Collett,	Lampson,	Shaw,
Colton,	Leete,	Smith, of Geauga,
Cunningham,	Longstreth,	Smith, Hamilton,
Dunlap,	Ludey,	Stamm,
Elson,	Malin,	Stevens,
Evans,	Marriott,	Stewart,
Fackler,	Matthews,	Taggart,
Fess,	Mauck,	Tetlow,
Fox,	Miller, Crawford,	Ulmer,
Halfhill,	Miller, Ottawa,	Walker,
Harris, Ashtabula,	Nye,	Weybrecht,
Harris, Hamilton,	Okey,	Winn,
Harter, Stark,	Partington,	Wise,
Hoffman,	Peck,	Worthington,
Holtz,		

By direction of the president the roll call was verified.

Mr. LAMPSON: Mr. President—

Mr. DOTY: A point of order.

Mr. LAMPSON: I ask consent to change the Brown amendment so as to read "Such wagon roads shall be determined under general laws and the cost thereof shall be paid by the state," the provision, etc., continuing the same as the other. Is there objection?

The PRESIDENT: Is there objection to this amendment? Unanimous consent is given and the question is now on the amendment offered by the member from Highland [Mr. BROWN] as changed by unanimous consent.

The amendment was agreed to.

The PRESIDENT: The question now is on the amendment of the delegate from Hamilton [Mr. HARRIS].

The amendment was agreed to.

Mr MAUCK: Does that comprehend all the amendments?

The PRESIDENT. Yes.

Mr. MAUCK: Do you propose, as I understand by this amendment, that the limitation upon the indebtedness of the state shall be \$50,000,000? Is that true?

(SEVERAL VOICES): Correct.

Mr. MAUCK: In the meantime—

Mr. DOTY: A point of order.

The PRESIDENT: Please state your point.

Mr. DOTY: The main question has been ordered and debate has long since closed.

Mr. FITZSIMONS: The gentleman wanted to know what he was voting on.

Mr. DOTY: It was told and he is proceeding to make a speech.

Mr. FITZSIMONS: This proposition doesn't say anything about the rate of interest. There is nothing said about selling bonds below par or anything of that kind. What is the safeguard?

The PRESIDENT: The question is on the adoption of the amendment of the delegate from Hamilton [Mr. HARRIS].

A voice vote being taken the president was unable to decide. Thereupon a division was taken and resulted in 74 yeas and 31 nays.

The amendment was adopted.

The PRESIDENT: The question now is on the adoption of the proposal as amended and the secretary will call the roll.

The question being "Shall the proposal pass?" The yeas and nays were taken, and resulted—yeas 72, nays 40, as follows:

Those who voted in the affirmative are:

Anderson,	Hoffman,	Pettit,
Beatty, Morrow,	Holtz,	Price,
Beyer,	Johnson, Madison,	Read,
Brattain,	Kerr,	Redington,
Brown, Highland,	Kilpatrick,	Riley,
Brown, Lucas,	King,	Rockel,
Cassidy,	Knight,	Roehm,
Collett,	Kramer,	Rorick,
Colton,	Lambert,	Shaw,
Crosser,	Lampson,	Smith, Geauga,
Cunningham,	Leete,	Stamm,
Doty,	Longstreth,	Stevens,
Dunlap,	Ludey,	Stewart,
Earnhart,	Malin,	Stilwell,
Elson,	Marriott,	Stokes,
Fackler,	Matthews,	Taggart,
Fess,	McClelland,	Tannehill,
Fox,	Miller, Crawford,	Tetlow,
Halfhill,	Miller, Fairfield,	Ulmer,
Harris, Ashtabula,	Miller, Ottawa,	Walker,
Harris, Hamilton,	Nye,	Weybrecht,
Harter, Huron,	Okey,	Winn,
Harter, Stark,	Peck,	Wise,
Henderson,	Peters,	Worthington.

Those who voted in the negative are:

Antrim,	Evans,	Keller,
Baum,	Farnsworth,	Kunkel,
Beatty, Wood,	Farrell,	Leslie,
Bowdle,	FitzSimons,	Marshall,
Brown, Pike,	Fluke,	Mauck,
Cody,	Hahn,	Moore,
Cordes,	Halenkamp,	Partington,
Crites,	Harbarger,	Pierce,
Davio,	Hoskins,	Smith, Hamilton,
DeFrees,	Hursh,	Solesher,
Donahey,	Johnson, Williams,	Stalter,
Dunn,	Jones,	Thomas,
Dwyer,	Kehoe,	Watson.
Eby,		

The roll call was verified by direction of the president.

So the proposal passed as follows:

Proposal No. 118—Mr. Lampson, to submit an amendment to article VIII, section 1, of the constitution—Relative to raising the bond limit to aid in good roads.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal to amend the

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constitution shall be submitted to the electors to read as follows:

ARTICLE VIII.

SECTION I. (Public Debt.) The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money, arising from the creation of such debts shall be applied to the purpose for which it was obtained or to repay the debts so contracted and to no other purpose whatever.

Provided, however, that the general assembly may contract debts and authorize issues of bonds to an amount which in the aggregate shall not exceed fifty millions of dollars for the purpose of constructing, improving, maintaining, repairing and rebuilding a system of inter-county wagon roads throughout the state; not to exceed ten millions of dollars in such bonds shall be issued in any one year, and there shall be levied and collected annually by taxation an amount sufficient to pay the interest on said bonds, and provide a sinking fund for their final redemption at maturity.

Such wagon roads shall be determined under general laws and the cost thereof shall be paid by the state.

The provisions of this section shall not be limited or controlled by section 6 of article XII.

Under the rules the proposal was referred to the committee on Arrangement and Phraseology.

Mr. BOWDLE: I was out of the room at the time of the call of the counties for proposals and I have two proposals I would like to present.

The PRESIDENT: If there is no objection the proposals can be offered.

Proposal No. 277—Mr. Bowdle. To submit an amendment to article IV, section 20, of the constitution.—Relative to the form of indictments.

Proposal No. 278—Mr. Bowdle. To submit an amendment to article I, section 10, of the constitution.—Relative to the trial of accused persons and their rights.

Mr. HALFHILL. As a matter of personal privilege on the debate just closed, the gentleman from Hamilton [Mr. BOWDLE] most conspicuously misunderstood that I advocated a legal proposition a few days ago in the few remarks I made on the good roads question and he argued against that proposition as he understood it. He places me in the position of saying that the federal government under the reclamation act could aid in the construction of good roads. I did not contend for any such thing. I simply told the story of how in Colorado, they had for a long time tried to get the assistance of the federal government and they finally went to work and built themselves an irrigating plant. That is all there was to it.

Mr. MAUCK: Has not debate been closed? What is the question of privilege to which the gentleman rises?

Mr. HALFHILL: So that if I did attempt to refer to the power of the federal government, it might have been under the clause regulating commerce or under the general welfare clause.

Mr. DOTY: I move that the Convention now adjourn.

The motion was carried.