

TWENTY-FIRST DAY.

Columbus, Ohio, Thursday, February 15, 1912.

1 o'clock p. m.

The Convention met pursuant to adjournment.

Prayer was offered by the Rev. J. H. Harris, of Columbus, Ohio.

The journal of yesterday was read and approved.

Consideration of proposal No. 118, Mr. Lampson, was taken up.

Mr. Jones moved that further consideration of the proposal be postponed until next Tuesday and that it be placed at the head of the calendar for that day.

The motion was disagreed to.

Mr. Lampson moved that further consideration of the proposal be postponed until next Monday and that it be placed at the head of the calendar for that day.

The motion was agreed to.

Mr. Doty moved that proposal No. 13, Mr. Riley, and the motion of Mr. Worthington retain their respective places on the calendar.

The motion was agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. Kilpatrick submitted the following report:

The standing Committee on Equal Suffrage and Elective Franchise, to which was referred proposal No. 91—Mr. Kilpatrick, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended: Strike out all after the resolving clause and insert the following:

"SECTION 1. At the time when the vote of the electors shall be taken for the adoption or rejection of any revision, alteration or amendments made to the constitution by this Convention, the following article, independently of the submission of any revision, alteration or other amendments submitted to them, shall be separately submitted to the electors in the words following, to wit:

FOR EQUAL SUFFRAGE.

Every citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year preceding the election, and of the county, township or ward in which he or she resides such time as may be provided by law, shall have the qualifications of an elector and be entitled to vote at all elections.

SECTION 2. At such election a separate ballot shall be in the following form:

ELECTIVE FRANCHISE.

	For Equal Suffrage.
	Against Equal Suffrage.

SECTION 3. Separate ballot boxes shall be provided for the reception of such ballots.

SECTION 4. The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words, "For Equal Suffrage", if he desire to vote in favor of the article above mentioned, and opposite the words, "Against Equal Suffrage", within the blank space, if he desire to vote against the article above mentioned.

SECTION 5. If the votes for equal suffrage shall exceed the votes against equal suffrage, then the section above mentioned shall take the place of Article V, Section 1, of the constitution, regardless of whether any revision, alteration or other amendments submitted to the people shall be adopted or rejected."

W. B. KILPATRICK,	W. C. DAVIO,
FRANK C. WISE,	J. W. HARBARGER,
F. M. MARRIOTT,	J. A. OKEY,
J. W. TANNEHILL,	JOHN ULMER,
F. D. MALIN,	A. DUNN,
JOHN L. BAUM,	JOHN F. KRAMER,
FRANK TAGGART,	E. D. SHAW,
WM. M. ROCKEL,	E. A. PETERS,
CHARLES D. HOLTZ,	HARVEY WATSON,
R. A. BEATTY,	HIRAM D. PECK.

Mr. Marshall submitted the following minority report:

A minority of the Committee on Equal Suffrage and Elective Franchise to which was referred proposal No. 91—Mr. Kilpatrick, recommends that it be indefinitely postponed.

A. M. MARSHALL.

The question being "Shall the minority report be agreed to?"

Mr. Doty moved that further consideration of the report be postponed until tomorrow and that it be placed on the calendar for that day.

Mr. Kilpatrick moved that the proposal be ordered printed as it would appear if amended by the majority report.

The motion was agreed to.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred proposal No. 184—Mr. Peck, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

In line 10 strike out the final words "therefrom by" and in lieu thereof insert a comma after the word "removed" followed by the words "die or resign."

In line 11 strike out the words "impeachment, disability, resignation or death."

In line 33 strike out the word "nine" and insert in lieu thereof the word "eight".

In line 36 strike out the word "nine" and insert in lieu thereof the word "eight".

In line 39 insert a comma after the word "removed".

In line 39 strike out the words "or until" and in lieu thereof insert the word "unless".

In line 40 strike out the words "by death, disability, impeachment or resignation" and in lieu thereof insert the words "die or resign".

In line 58 strike out the word "like".

In line 58 strike out the words "with the supreme" and in lieu thereof insert the words "in quo warranto, mandamus, habeas corpus and procedendo".

In line 59 strike out the word "court".

In line 60 strike out the word "of" where it appears last in said line and in lieu thereof insert the word "within".

In line 62 strike out the word "such" where it appears first in said line.

In line 66 after the word "appeals" and before the comma insert the words "sitting in the case".

In line 68 strike out the words "in a similar case" and in lieu thereof insert the words "upon the same question".

In line 68 strike out the word "some" and insert the word "any".

HIRAM D. PECK,
STANLEY E. BOWDLE,
F. W. WOODS,
S. S. STILWELL,
J. A. OKEY,
SOLOMON JOHNSON,
JOHN R. CASSIDY,
JOHN W. WINN,
FRED G. LEETE,

PERCY TETLOW,
DENNIS DWYER,
D. F. ANDERSON,
JOHN D. FACKLER,
E. B. KING,
M. A. BROWN,
H. M. BROWN,
W. B. KILPATRICK,
H. K. SMITH.

The report was agreed to.

The proposal was ordered to be engrossed.

Mr. Peck moved that the second reading of the proposal be made a special order for Feb. 22, at 10:45-o'clock a. m.

The motion was agreed to.

On motion of Mr. Marriott the proposal as amended was ordered printed.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred resolution No. 42—Mr. Bowdle, having had the same under consideration returns it with the following report:

Having had under consideration generally the question of the legal status of the Ordinance of 1787, with reference particularly to its present binding efficacy on the people of Ohio, we have examined exhaustively the legal literature covering the subject, found chiefly in the decisions both federal and state, and in this report we shall endeavor to place the results of our work in brief simple form, adapted to ready comprehension.

First, as to the decisions of the supreme court of the United States:

In 1882 the case of *Escanaba Company vs. Chicago*, 107 U. S. Reports 678, was decided. In this case the plaintiff attempted to enjoin the city of Chicago from enforcing the provision of a city ordinance requiring the closing of the drawbridge over the Chicago river within the city limits for one hour, morning and evening—the usual time being ten minutes. It was alleged that this interfered unreasonably with the plaintiff's ore boats in reaching their docks. The claim was made and admitted that the Chicago river was navigable, and therefore under

government jurisdiction. It was also urged that the Ordinance of 1787 was infringed in that the fourth article provided that "the navigable waters leading into the Mississippi and St. Lawrence rivers, and the carrying places between, shall be common highways and free forever," and that the city ordinance referred to interfered, etc.

The court, by Justice Field, denied the injunction, holding that, so far as the general government was concerned, the constitution of the United States, adopted after the ordinance was promulgated, superseded the latter, and that the states erected out of the northwest territory, coming into the Union after the adoption of the federal constitution, came in on an equal footing with the original states, and might exercise all the powers of those original states unhampered by the Ordinance of 1787.

The injunction, to be sure, was denied, finally, on the simple ground that the alleged interference with traffic on the river was reasonable, and presented no case justifying the writ.

If it be said that the opinion of the court as to the Ordinance was *obiter*, it may be replied that the precise question was raised by counsel, and the court squarely met it, and decided against the binding efficacy of the Ordinance.

In 1886 the same question was raised as in the Escanaba case—*Huse vs. Glover*, 119 U. S. 543.

This case concerned the locking of the Illinois river and the exaction of tolls for the use of the locks. The claim was made, as in the Escanaba case, that under the fourth article of the Ordinance of 1787 the state was without power to lock the stream and charge tolls.

The court, by Justice Field, denied the relief asked for and affirmed the doctrine respecting the Ordinance of 1787 announced in the Escanaba case.

Among other things the court said, "Since the decision of the Escanaba case, we have had our attention called repeatedly to the terms of this clause in the Ordinance of 1787 * * * * * We have held that it did not impair the power which the state could have exercised over its rivers had the clause *not* existed."

In 1887 the supreme court of the United States decided the case of *Sands vs. Manistee River Improvement Co.*, 123 U. S. 288. The court again passed on this same question. The plaintiff, Sands, sought an injunction to prevent the exaction of tolls for the use of the Manistee river in Michigan, as improved.

The court again affirmed the principle announced in the two preceding cases.

In 1911 the same court in the case of *Coyle vs. Smith*, 221 U. S. 559, again affirmed the principle announced in the previous cases relative to the Ordinance of 1787. This case concerned the removal of the capital of Oklahoma from Guthrie to Oklahoma City.

The foregoing cases do not exhaust this subject. The United States supreme court has on some twelve occasions denied the binding efficacy of the Ordinance of 1787. It would burden this report to cover all these cases.

The philosophy of these harmonious decisions may be stated as follows:

(a) Our national government is based upon, and is bound by, a single document assented to by the several states, viz., the United States Constitution. That document, and no other, contains the grants of power

(and prohibitions) to the national congress. That document represents the "compact" (if we may deem it such) of the then, and the future states.

(b) It is therefore impossible for the national government, based on one solemn document, to admit the binding force of another document, i. e., the Ordinance of 1787, and particularly so when that Ordinance is by its terms (Section 14) binding only between the original states and "the people and states in the said territory."

(c) All the states of the union are equal, but this equality would be destroyed if the inhabitants of one state had more privileges, guarantees, or immunities than the inhabitants of another state, or were bound by more prohibitions than the inhabitants of another state. Hence, the national government can not admit of a document transcending the one which is the basis of its own existence.

The attitude of the federal government towards this Ordinance is thus forever settled — if anything in human affairs can be settled; and the Fourth Constitutional Convention, now sitting, has nothing to fear from that Ordinance, so far as the United States supreme court or the national government is concerned.

Were the attitude of the United States supreme court alone involved, no difficulty would appear. It is the attitude of our own supreme court towards that Ordinance which concerns us, and presents difficulty.

In the late case of the State of Ohio vs. Boone, decided in June, 1911, 84 O. S. 346, the court, in a well considered opinion, affirms the doctrine announced by Judge Hitchcock in the case of Hogg vs. Zanesville Canal Co., 5th Ohio Reports, page 410, and in Hutchison vs. Thompson, 9th Ohio Reports, page 62, and says, quoting Judge Hitchcock, "this portion of the Ordinance of 1787 is as much obligatory upon the state of Ohio as our own constitution. In truth it is more so for the constitution may be amended by the people of the state, while this can not be altered without the assent both of the people and of the state and of the United States, through their representatives."

The supreme court of Ohio in this Boone case thus follows two precedents, one decided in 1831 and the other in 1839.

In deciding this case the court had squarely before it the decisions of the United States Supreme court above referred to, and it disposes of those decisions by simply differing from them, as the court had the right to do.

But the difficulty created by the Boone case is not insuperable, for the court (pp. 355 and 356) seems to indicate that the making of a new state constitution, which is afterwards accepted by the national government, might raise an implication that the Ordinance of 1787 had been altered or abandoned by common consent. (We stop to say, parenthetically, that section 14 of the Ordinance pronounces the compact to be "unalterable unless by common consent"). The Ordinance itself having expressly provided for its own alteration, it is evident enough that there must be some method of registering the common consent required, etc.

In the case of Hutchison vs. Thompson referred to, Judge Grimke said, speaking of the Ordinance, "there was in reality but one party to it originally, and that was the general government".

Now, that party, being the general government, speaking by the United States supreme court, has said, effectively, that the constitution

of the United States, adopted after the Ordinance of 1787, superseded that Ordinance. We have thus had the effective consent of the original party to the Ordinance to its substantial abrogation. Or, stated differently, we have the government's assent to the non-enforceability of the Ordinance, so far as it, the government, is concerned.

If it be said that the thirteen original states are thirteen parties, also, then, since they could move against Ohio, under the constitution, only through the supreme court of the United States, we have those states effectually bound by the court's declarations.

If the constitution of the United States superseded the Ordinance of 1787—and the United States supreme court has so declared—then the assent of the states to that constitution should be deemed an assent to the supersession of the Ordinance by the constitution. But, lest this dry logic be deemed altogether too reasonable for purposes of productive litigation, we are certainly justified in saying that:

(a) The Ordinance itself provided for its own alteration by common consent.

(b) The nation, which was the original party to the Ordinance, has effectively consented to its complete alteration or abrogation.

(c) The states, generally, in ordaining the federal constitution have consented to the alteration or abrogation of the Ordinance.

(d) Ohio, particularly, being a party to the Ordinance, may consent to its alteration or abrogation, and such consent would, in our judgment, be infallibly implied by the adoption of a new constitution. If the adoption of such new constitution by the people of Ohio assembled in solemn convention does not imply "common consent," we do not know how the consent of a people is to be indicated.

If the nation has assented to the alteration or abrogation of the Ordinance—and it has—and if the original states have assented, by the adoption of the federal constitution—and they have—then all that is lacking in our judgment (if anything be lacking) is the assent of Ohio, and this we believe is effectively registered by a new constitution. We do not believe there is anything in the Boone case which necessarily conflicts with this view.

The result of our investigations leads us to believe that there is nothing in the Ordinance of 1787 to embarrass the deliberations or work of the Fourth Constitutional Convention, and we are of the opinion that the work of the Convention in revising, altering or amending the present constitution should proceed without embarrassing regard for the Ordinance of 1787.

STANLEY E. BOWDLE,	HIRAM D. PECK,
H. K. SMITH,	DENNIS DWYER,
JOHN D. FACKLER,	H. M. BROWN,
D. F. ANDERSON,	FRED G. LEETE,
JOHN W. WINN,	E. B. KING,
M. A. BROWN,	F. W. WOODS,
PERCY TETLOW,	S. S. STILWELL,
ROSCOE J. MAUCK,	J. A. OKEY,
W. B. KILPATRICK,	SOLOMON JOHNSON.

On motion of Mr. Peck one thousand copies of the report were ordered printed.

Mr. Doty moved that five copies of said report be placed in the Convention postoffice for each member, and that the remainder be distributed by the bill clerk in the regular way.

The motion was agreed to.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred proposal No. 100—Mr. Fackler, having had the same under consideration, reports it back with the following amendments, and recommends its passage when amended:

Strike out all after line 4 and in lieu thereof insert the following:

SECTION 9. A competent number of justices of the peace shall be elected by the electors in each township in the several counties. Their term of office shall be four years and their powers and duties shall be regulated by law. Provided that there shall be no justices of the peace in any township where a court, other than a mayor's court, is or may hereafter be maintained with the jurisdiction of all causes of which justices of the peace are given jurisdiction, and no justices of the peace shall have or exercise jurisdiction in such township.

HIRAM D. PECK,	JOHN D. FACKLER,
M. A. BROWN,	SOLOMON JOHNSON,
J. A. OKEY,	S. S. STILWELL,
H. M. BROWN,	STANLEY SHAFFER,
H. K. SMITH,	E. B. KING,
F. W. WOODS,	JOHN R. CASSIDY,
W. B. KILPATRICK,	

The report was agreed to.

The proposal was ordered to be engrossed and read the second time in its regular order.

On motion of Mr. Doty the proposal as amended was ordered printed.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred proposal No. 140—Mr. Stokes, having had same under consideration, reports it back with the recommendation that it be indefinitely postponed.

HIRAM D. PECK,	E. B. KING,
D. F. ANDERSON,	DENNIS DWYER,
SOLOMON JOHNSON,	S. S. STILWELL,
F. W. WOODS,	JOHN D. FACKLER,
M. A. BROWN,	H. K. SMITH,
H. M. BROWN,	PERCY TETLOW,
JOHN R. CASSIDY,	W. B. KILPATRICK,

The report was agreed to.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred proposal No. 108—Mr. Hahn, having had the same under

consideration, reports it back with the recommendation that it be indefinitely postponed.

HIRAM D. PECK,	S. S. STILWELL,
PERCY TETLOW,	H. M. BROWN,
J. A. OKEY,	FRED G. LEETE,
F. W. WOODS,	W. B. KILPATRICK,
STANLEY E. BOWDLE,	JOHN D. FACKLER,
D. F. ANDERSON,	DENNIS DWYER.

The report was agreed to.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred proposal No. 137—Mr. Brown, of Lucas, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed.

HIRAM D. PECK,	S. S. STILWELL,
PERCY TETLOW,	H. M. BROWN,
J. A. OKEY,	FRED G. LEETE,
F. W. WOODS,	W. B. KILPATRICK,
STANLEY E. BOWDLE,	JOHN D. FACKLER,
D. F. ANDERSON,	DENNIS DWYER.

The report was agreed to.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred proposal No. 133—Mr. Smith, of Geauga, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed, for the reason that it has been covered by report on proposal No. 184.

HIRAM D. PECK,	S. S. STILWELL,
PERCY TETLOW,	H. M. BROWN,
J. A. OKEY,	FRED G. LEETE,
F. W. WOODS,	W. B. KILPATRICK,
STANLEY E. BOWDLE,	JOHN D. FACKLER,
D. F. ANDERSON,	DENNIS DWYER.

The report was agreed to.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred proposal No. 158—Mr. Doty, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed.

HIRAM D. PECK,	S. S. STILWELL,
PERCY TETLOW,	H. M. BROWN,
J. A. OKEY,	FRED G. LEETE,
F. W. WOODS,	W. B. KILPATRICK,
STANLEY E. BOWDLE,	JOHN D. FACKLER,
D. F. ANDERSON,	DENNIS DWYER.

The report was agreed to.

Mr. Peck submitted the following report:

The standing Committee on Judiciary and Bill of Rights, to which was referred proposal No. 142—Mr. Tannehill, having had the same under consideration, reports it back with the recommendation that it be indefinitely postponed.

HIRAM D. PECK,	S. S. STILWELL,
PERCY TETLOW,	H. M. BROWN,
J. A. OKEY,	FRED G. LEETE,
F. W. WOODS,	W. B. KILPATRICK,
STANLEY E. BOWDLE,	JOHN D. FACKLER,
D. F. ANDERSON,	DENNIS DWYER.

The report was agreed to.

Mr. Kerr submitted the following report:

The standing Committee on Legislative and Executive Departments, to which was referred proposal No. 189—Mr. Hahn, having had the same under consideration, reports it back, and recommends that it be indefinitely postponed.

W. S. HARRIS,	JOHN ROEHM,
C. D. HOLTZ,	T. D. PRICE,
HARRY D. THOMAS,	SOLOMON JOHNSON,
J. W. HARBARGER,	FRANK H. KERR,
FRANK G. HURSH,	F. P. LAMBERT,
H. C. FOX,	FRANK P. MILLER,
W. W. STOKES,	M. T. CODY,
JOHN F. KRAMER,	

The report was agreed to.

Mr. Hursh submitted the following report:

The standing Committee on Legislative and Executive Departments, to which was referred proposal No. 50—Mr. Hahn, having had same under consideration, reports it back, and recommends that it be indefinitely postponed.

JOHN ROEHM,	FRANK H. KERR,
FRANK G. HURSH,	W. W. STOKES,
SOLOMON JOHNSON,	H. C. FOX,
C. D. HOLTZ,	JOHN F. KRAMER,
M. T. CODY,	J. W. HARBARGER.

The report was agreed to.

Mr. Harris, of Ashtabula, submitted the following report:

The standing Committee on Legislative and Executive Departments, to which was referred proposal No. 44—Mr. Hahn, having had same under consideration, reports it back, and recommends that it be indefinitely postponed.

W. S. HARRIS,	FRANK H. KERR,
C. D. HOLTZ,	H. C. FOX,
F. P. LAMBERT,	SOLOMON JOHNSON,
JOHN F. KRAMER,	J. W. HARBARGER,
W. W. STOKES,	JOHN ROEHM.

The report was agreed to.

Mr. Doty submitted the following report:

The standing Committee on Rules, to which was referred resolution No. 69—Mr. Doty, having had the same under consideration, reports it back and recommends its adoption.

HERBERT S. BIGELOW,	E. W. DOTY,
E. L. LAMPSON,	STANLEY SHAFFER,
JOHN W. WINN,	FRED G. LEETE.

The question being "Shall the resolution be adopted?"

The yeas and nays were taken, and resulted—yeas 79, nays none, as follows:

Those who voted in the affirmative are:

Anderson,	Halenkamp,	Lampson,	Rockel,
Antrim,	Halfhill,	Longstreth,	Roehm,
Baum,	Harbarger,	Ludey,	Shaw,
Beatty,	Harris,	Malin,	Smith,
of Morrow,	of Ashtabula,	Marriott,	of Geauga
Beatty, of Wood,	Harris,	Marshall,	Smith,
Bowdle,	of Hamilton,	Matthews,	of Hamilton
Brown,	Harter, of Huron,	Mauck,	Solether,
of Highland,	Harter, of Stark,	McClelland,	Stevens,
Campbell,	Hoffman,	Miller,	Stewart,
Cody,	Holtz,	of Crawford,	Stilwell,
Cordes,	Hursh,	Miller,	Tetlow,
Crites,	Johnson,	of Fairfield,	Thomas,
Cunningham,	of Williams,	Miller,	Wagner,
Davio,	Keller,	of Ottawa	Walker,
DeFrees,	Kerr,	Moore,	Watsor,
Donahey,	Kilpatrick,	Okey,	Weybrecht,
Doty,	King,	Peters,	Winn,
Elson,	Knight,	Pierce,	Wise,
Fackler,	Kramer,	Price,	Woods,
Fess,	Kunkel,	Read,	Worthington,
Fox,	Lambert,	Riley,	Mr. President,
Hahn,			

The resolution was adopted.

Mr. Fackler submitted the following report:

The standing Committee on Short Ballot, to which was referred proposal No. 16—Mr. Elson, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended: Strike out all after the word "Resolved" and substitute the following:

"That a proposal to amend the constitution shall be submitted to the electors to read as follows:

SECTION 1. (Executive department.) The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney general. The governor, lieutenant governor, and auditor of state shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the places of voting for members of the General Assembly.

SECTION 2. (Term of office.) The governor and lieutenant governor shall hold their offices for two years, and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SECTION 5. (Executive power vested in governor.) The supreme executive power of this state shall be vested in the governor. He shall

appoint the secretary of state, treasurer of state, attorney general, members of the board of public works, dairy and food commissioner, and commissioner of common schools, and shall have authority to remove any of said officials so appointed.

JOHN D. FACKLER,	ROBT. A. BEATTY,
H. M. BROWN,	H. C. FOX,
F. W. WOODS,	WALTER F. BROWN,
H. W. ELSON,	FRANK H. KERR,
M. STAMM,	J. W. HARBARGER.
J. W. TANNEHILL,	W. W. CAMPBELL,

The report was agreed to.

The proposal was ordered to be engrossed and read the second time in its regular order.

On motion of Mr. Fackler, the proposal as amended was ordered printed.

Mr. Fackler submitted the following report.

The standing Committee on Short Ballot, to which was referred proposal No. 205—Mr. Hahn, having had the same under consideration, reports it back to be indefinitely postponed.

FRANK H. KERR,	J. W. HARBARGER,
J. W. TANNEHILL,	H. M. BROWN,
ROBT. A. BEATTY,	F. W. WOODS,
H. C. FOX,	JNO. H. RILEY,
F. J. STALTER,	H. W. ELSON,
H. C. HOFFMAN,	WALTER F. BROWN,
WM. C. DAVIO,	JOHN D. FACKLER,
M. T. CODY,	W. W. CAMPBELL,

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 26—Mr. Watson, having had the same under consideration, reports it back, and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	JAMES C. TALLMAN,
JNO. H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 171—Mr. Anderson, having had the same under consideration, reports it back, and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	J. C. TALLMAN,
JNO. H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 59—Mr. Halfhill, having had the same under consideration, reports it back, and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	J. C. TALLMAN,
JNO. H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

Mr. Elson moved that the proposal be recommitted to the Committee on Liquor Traffic.

The motion was disagreed to.

The report of the Committee was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 53—Mr. Tallman, having had the same under consideration, reports it back, and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	J. C. TALLMAN,
JNO. H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 182—Mr. Norris, having had the same under consideration, reports it back and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	J. C. TALLMAN,
JNO. H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 159—Mr. Dunn, having had the same under consideration, reports it back and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	E. B. KING,
JOE DEFREES,	JNO. H. RILEY,
J. C. TALLMAN,	B. F. WEYBRECHT,
H. G. REDINGTON,	H. C. FOX,
HERBERT S. BIGELOW.	

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 154—Mr. Winn, having had the same under consideration, reports it back and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	J. C. TALLMAN,
JNO. H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 186—Mr. Watson, having had same under consideration, reports it back and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	J. C. TALLMAN,
JNO H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

Mr. Elson moved that the proposal be recommitted to the Committee on Liquor Traffic.

The motion was disagreed to.

The report of the committee was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 31—Mr. Miller, of Fairfield, having had same under consideration, reports it back and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	J. C. TALLMAN,
JNO H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

The report was agreed to.

Mr. Bowdle submitted the following report:

The standing Committee on Liquor Traffic, to which was referred proposal No. 32—Mr. Marriott, having had same under consideration, reports it back and recommends its indefinite postponement.

STANLEY E. BOWDLE,	STANLEY SHAFFER,
JOHN ROEHM,	JOE DEFREES,
E. B. KING,	J. C. TALLMAN,
JNO. H. RILEY,	H. G. REDINGTON,
B. F. WEYBRECHT,	HERBERT S. BIGELOW.
H. C. FOX,	

The report was agreed to.

Mr. Mauck submitted the following report:

The standing Committee on Corporations other than Municipal, to which was referred proposal No. 111—Mr. Hahn, having had the same under consideration, reports it back to be indefinitely postponed.

ROSCOE J. MAUCK,	S. S. STILWELL,
AARON HAHN,	STANLEY E. BOWDLE,
W. W. STOKES,	H. K. SMITH,
ISAAC HARTER,	W. B. KILPATRICK,
J. C. HOFFMAN,	HENRY F. CORDES,
J. M. EARNHART,	E. A. PETERS,
HUMPHREY JONES,	

The report was agreed to.

Mr. Mauck submitted the following report:

The standing Committee on Corporations other than Municipal, to which was referred proposal No. 49—Mr. Hahn, having had the same under consideration, reports it back for indefinite postponement.

ROSCOE J. MAUCK,	S. S. STILWELL,
AARON HAHN,	STANLEY E. BOWDLE,
H. K. SMITH,	ISAAC HARTER,
W. B. KILPATRICK,	J. C. HOFFMAN,
HENRY F. CORDES,	J. M. EARNHART,
E. A. PETERS,	HUMPHREY JONES.

The report was agreed to.

Mr. Mauck submitted the following report:

The standing Committee on Corporations other than Municipal, to which was referred proposal No. 117—Mr. Elson, having had the same under consideration, reports it back, to be indefinitely postponed.

ROSCOE J. MAUCK,	S. S. STILWELL,
AARON HAHN,	STANLEY E. BOWDLE,
H. K. SMITH,	ISAAC HARTER,
W. B. KILPATRICK,	J. C. HOFFMAN,
HENRY F. CORDES,	J. M. EARNHART,
E. A. PETERS,	HUMPHREY JONES.

The report was agreed to.

Mr. Mauck submitted the following report:

The standing Committee on Corporations other than Municipal, to which was referred proposal No. 113—Mr. Hahn, having had the same under consideration, reports it back, to be indefinitely postponed.

ROSCOE J. MAUCK,	S. S. STILWELL,
AARON HAHN,	STANLEY E. BOWDLE,
H. K. SMITH,	ISAAC HARTER,
W. B. KILPATRICK,	J. C. HOFFMAN,
HENRY F. CORDES,	J. M. EARNHART,
E. A. PETERS,	HUMPHREY JONES.

The report was agreed to.

Mr. Mauck submitted the following report:

The standing Committee on Corporations other than Municipal, to which was referred proposal No. 51 — Mr. Miller, of Crawford, having had the same under consideration, reports it back with the following amendment, and recommends its passage when so amended:

In line 11, after the word "mutual" strike out the word "fire".

ROSCOE J. MAUCK,	S. S. STILWELL,
AARON HAHN,	W. W. STOKES,
H. K. SMITH,	ISAAC HARTER,
W. B. KILPATRICK,	HENRY F. CORDES,
J. C. HOFFMAN,	J. M. EARNHART.
E. A. PETERS,	

The report was agreed to.

The proposal was ordered to be engrossed and read the second time in its regular order.

INTRODUCTION OF PROPOSALS.

The following proposals were introduced and read the first time:

Proposal No. 259—Mr. Read. To submit an amendment to Article II, Section 25, of the constitution.—Relative to sessions of the general assembly.

Proposal No. 260—Mr. King. To submit an amendment to Article XV, Section 4, of the constitution.—Relating to eligibility to office.

Proposal No. 261—Mr. Halenkamp. To submit an amendment to Article XV, Section 2, of the constitution.—Relative to state printing.

Proposal No. 262—Mr. Keller. To submit an amendment to Article II, Section 1, of the constitution.—Relative to the initiative and referendum.

Proposal No. 263—Mr. Matthews. To submit an amendment to Article II, Section 16, of the constitution.—Relative to governor's veto.

PETITIONS AND MEMORIALS.

Mr. Brattain presented the resolution of the Farmers' Institute of Haviland, relative to woman's suffrage; which was referred to the Committee on Equal Suffrage and Elective Franchise.

Mr. Brown, of Highland, presented the petition of E. E. Polley and fifty-nine other citizens of Greenfield, in favor of the passage of proposal No. 4; which was referred to the Committee on Liquor Traffic.

Mr. Kerr presented the petitions of T. I. McRae and twenty other citizens of Toronto; of I. L. Kinsey and sixty-five other citizens of Mt. Pleasant, opposing license proposal No. 4; which were referred to the Committee on Liquor Traffic.

Mr. Kerr presented the petition of C. P. Hutterly and two hundred ninety-seven other citizens of Jefferson county, favoring the passage of proposal No. 4; which was referred to the Committee on Liquor Traffic.

Mr. Halfhill presented the petitions of the Rev. W. E. Childs and twenty-seven other citizens of Lafayette; of David Stecker and twenty-

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eight other citizens of Lima, protesting against any license clause being placed in the constitution; which were referred to the Committee on Liquor Traffic.

Mr. Campbell presented the petitions of H. E. White and other citizens of Deshler; of the Rev. W. S. Philpott and other citizens of Deshler, protesting against the licensing of the liquor traffic; which were referred to the Committee on Liquor Traffic.

Mr. Dunlap presented the petition of J. A. Currier and thirty other citizens of Hamden, protesting against the adoption of proposal No. 4, relative to the liquor traffic; which was referred to the Committee on Liquor Traffic.

Mr. Marriott presented the petition of P. J. McCarty and forty-seven other citizens of Delaware, asking for the adoption of proposal No. 4; which was referred to the Committee on Liquor Traffic.

Mr. Marriott presented the petitions of College Equal Suffrage League, of Columbus; of the Ohio Woman's Suffrage Association, of Warren, having a membership of one hundred eight members, praying for the enfranchisement of the women of the state; which were referred to the Committee on Equal Suffrage and Elective Franchise.

Mr. Marriott presented the petitions of the Asbury M. E. church, of Delaware; of the members of the Methodist Episcopal church, of Ashley, protesting against the submission of a mandatory, unrestricted license clause in the constitution; which were referred to the Committee on Liquor Traffic.

Mr. Marriott presented the petition of the W. C. T. U. and five hundred citizens of Delaware county, protesting against the adoption of proposal No. 4; which was referred to the Committee on Liquor Traffic.

Mr. Stokes presented the petitions of W. E. Alleman of Dayton; of the Montgomery county Christian Endeavor Union, protesting against licensing the liquor traffic; which were referred to the Committee on Liquor Traffic.

Mr. Solether presented the petition of W. C. Chapman and sixteen other citizens of Wood county, protesting against the manufacture and sale of cigarettes; which was referred to the Committee of the Whole.

Mr. Miller, of Fairfield, presented the petition of R. A. Sain and other citizens of Fairfield county, protesting against the licensing of the liquor traffic; which was referred to the Committee on Liquor Traffic.

Mr. Fackler presented the petition of Fred Herbkersman and sixty-eight other citizens of Cuyahoga county, asking for the passage of proposal of No. 4; which was referred to the Committee on Liquor Traffic.

Mr. Bigelow presented the petition of the National Association Opposed to Woman Suffrage, begging no amendment be passed, submitting the question of woman's suffrage; which was referred to the Committee on Equal Suffrage and Elective Franchise.

Mr. Bigelow presented the petitions of the Warder Street Methodist church, of Dayton; of the Belmont U. B. church, of Dayton; of T. H. Sweeney and thirty other citizens of Dayton; of the Rev. Frederick W. Hass, of Barberton; of the non-partisan Women's Temperance Union, of Mansfield; of M. L. McGee, of Dayton; of the churches

and schools of Morristown; of the Rev. R. H. Rockel, of East Palestine; of Dora B. Stinson and other citizens of Marshallville; of George W. Stevens of Dayton; of the brotherhood of the M. E. church, of Clarington; of the Kansas M. E. Sunday school; of Mrs. Mary Whitney Arnold, of Fremont; of Ernest Zimmerman and many citizens of Wooster; of one hundred fifteen women of Greenfield; of Cliff Williams, of Lisbon; protesting against a license clause in the constitution; which were referred to the Committee on Liquor Traffic.

Mr. Bigelow presented the petitions of H. T. Hauff and twelve other citizens of Crestline; of E. M. McDowell and eleven other citizens of Crestline; of M. Wilkinson and twenty other citizens of Crestline; of Harry Breen and twenty-one other citizens of Crestline, asking for the passage of proposal No. 4; which were referred to the Committee on Liquor Traffic.

Mr. Bigelow presented the petitions of Jos. Konrad and thirteen other citizens of Ashtabula county; of Paul Winner and four other citizens of Belmont county, of Wm. L. Knuth of Clark county; of Chas. Harsha and ninety-one other citizens of Columbiana county; of J. W. Robertson and sixty-one other citizens of Crawford county; of J. H. Stewart and six other citizens of Cuyahoga county; of Earl Rehm, of Defiance; of Fred C. Printy of Erie County; of C. W. Sullivan and twenty-seven other citizens of Franklin county; of Homer Flora and thirty-two other citizens of Highland county; of Walter Healer and forty-three other citizens of Jefferson county; of W. E. Smith and ten other citizens of Lawrence county; of C. H. Wright and one hundred eight other citizens of Lucas county; of Albert McGrath and forty-one other citizens of Marion county; of W. C. Arick and thirty-eight other citizens of Medina county; of W. C. Wiper of Muskingum county; of Ora Grable of Stark county; of John C. Unger of Ottawa county; of Albert S. Hofman and ninety-five other citizens of Summit county; of James Kile of Trumbull county; of Charles Shears of Washington county; of E. S. Bryant of Wood county; of D. Rettig of Richland county, asking for the passage of proposal No. 4 introduced by Mr. King; which were referred to the Committee on Liquor Traffic.

Mr. Cunningham presented the petitions of W. W. Kilpatrick and forty-two other citizens of Harrison county; of the Harrison county Pomona Grange; in favor of the prohibition of the liquor traffic; which were referred to the Committee on Liquor Traffic.

Mr. Beyer presented the petition of the Rev. M. C. Dye and sixty other citizens of Hancock county, protesting against the submission of a license clause in the constitution; which was referred to the Committee on Liquor Traffic.

Mr. Crites presented the petition of J. F. Carle and one hundred seventy other citizens of Pickaway county, in favor of the King proposal; which was referred to the Committee on Liquor Traffic.

Mr. Crites presented the petitions of W. E. Prior and fifty-two other citizens of New Holland; of G. A. Clellan and sixteen other citizens of Pickaway county; of A. B. Vlrebome and fifty-two other citizens of Circleville, protesting against the passage of the King proposal; which were referred to the Committee on Liquor Traffic.

Mr. Doty presented the petition of George Bard and thirty-nine

other citizens of Cuyahoga county, requesting this Convention to adopt proposal No. 4, without amendment; which was referred to the Committee on Liquor Traffic.

Mr. Davio presented the petition of Frank Hyduk and twenty-six other citizens of Cuyahoga county, in favor of proposal No. 4; which was referred to the Committee on Liquor Traffic.

Mr. Leete presented the petitions of S. E. Davis and forty-seven other citizens of Ironton; of H. E. Sauder and sixteen other citizens of Ironton; which were referred to the Committee on Liquor Traffic.

Mr. Smith, of Geauga, presented the petitions of O. S. Herrick and eleven other citizens of Chesterland; of E. M. Mills and thirteen other citizens of Burton; of C. F. Gilmore and seventeen other citizens of Chester, protesting against the passage of the King proposal; which were referred to the Committee on Liquor Traffic.

Mr. Holtz presented the petition of the Kansas M. E. Sunday school, protesting against licensing of the liquor traffic; which was referred to the Committee on Liquor Traffic.

Mr. King presented the petition of H. P. Dettman and twenty-five other citizens of Piqua, asking for the passage of proposal No. 4; which was referred to the Committee on Liquor Traffic.

Mr. Pettit presented the petition of the Rev. J. F. Young and forty-nine other citizens of Seaman, protesting against the licensing of the liquor traffic; which was referred to the Committee on Liquor Traffic.

Mr. McClelland presented the petition of C. F. Ransbottom and eleven other citizens of Utica, protesting against the licensing of the liquor traffic; which was referred to the Committee on Liquor Traffic.

Mr. Thomas presented the petition of William Wait and forty other citizens of Cuyahoga county, in favor of proposal No. 4; which was referred to the Committee on Liquor Traffic.

Mr. Antrim presented the petition of the Rev. F. M. Houser and thirty-two other citizens of Van Wert county, against licensing the liquor traffic; which was referred to the Committee on Liquor Traffic.

Mr. Tetlow presented the petition of B. L. Stockdale and three hundred other citizens of Columbiana county, in favor of the licensing of intoxicating liquors; which was referred to the Committee on Liquor Traffic.

Mr. Watson presented the petition of Frank W. Johnston and other citizens of Guersney county, asking for the consideration and support of the good roads amendment to the constitution; which was referred to the Committee on Good Roads.

Mr. Watson presented the petitions of the Buffalo Presbyterian church, of Cumberland; of Edna Harper, of Cumberland; of C. W. Johnson and other citizens of Guernsey county; of H. W. Holmes and sixty other citizens of Cumberland; of W. H. Stewart and other citizens of Guernsey county, protesting against licensing of the liquor traffic; which were referred to the Committee on Liquor Traffic.

Leave of absence was granted to Messrs. Pettit and Evans for the remainder of the week.

On motion of Mr. Kilpatrick the Convention adjourned.

Attest:

C. B. GALBREATH,
Secretary.