

# TWENTY-SEVENTH DAY

## EVENING SESSION.

MONDAY, February 26, 1912.

The Convention met pursuant to adjournment, was called to order by the president and opened with prayer by the Rev. R. F. Galloway, of Columbus, O.

The journal of Friday, the legislative day of February 20, was read and approved.

### PETITIONS AND MEMORIALS.

Mr. Knight presented the petitions of Isidor Yassenoff and seventeen other citizens of Columbus; of Frank Sutton and eleven other citizens of Columbus; of Wm. J. Jones and twenty other citizens of Columbus; of W. A. Williams and thirty-eight other citizens of Columbus; of J. F. Ninegas and ten other citizens of Hilliard, protesting against the passage of Proposal No. 4, which were referred to the committee on Liquor Traffic.

Mr. Harris, of Ashtabula, presented the petition of J. R. Huff and forty other citizens of Ashtabula, protesting against the sale of cigarettes, which was referred to the committee of the Whole.

Mr. Brattain presented the petition of E. E. Hildy and twenty-nine other citizens of Paulding county, protesting against the passage of Proposal No. 4, which was referred to the committee on Liquor Traffic.

Mr. Lamson presented the petition of Geo. J. Driscoll and forty other citizens of Ashtabula, asking for the passage of Proposal No. 4, which was referred to the committee on Liquor Traffic.

Mr. Stilwell presented the petition of the Ohio W. C. T. U. in favor of woman's suffrage, which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. King presented the petition of J. H. Burt and twenty other citizens of Erie county, against licensing the liquor traffic, which was referred to the committee on Liquor Traffic.

Mr. King presented the petition of Theodore L. Miller and one hundred and eight other citizens of Erie county, in favor of woman suffrage, which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. King presented the petition of Jennie D. Stroud and eight other citizens of Erie county, in favor of women holding appointive offices, which was referred to the committee on Legislative and Executive Departments.

Mr. Hoskins presented the petitions of the Rev. Joseph Bennett and fifteen other citizens of Auglaize county; of the Wesley Chapel Sunday school, of St. Johns, protesting against licensing the liquor traffic, which were referred to the committee on Liquor Traffic.

Mr. Holtz presented the petition of M. E. Seigley and forty-five other citizens of Seneca county, protesting against the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Harbarger presented the petition of J. C. Rogers and seventy-one other citizens of Columbus, against the

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

Mr. Stamm presented the petition of W. Van Nutt and one hundred thirteen other citizens of Clyde, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Doty presented the petition of Charles Jones and thirty-nine other citizens of Cleveland, requesting the Convention to adopt Proposal No. 4, without amendment; which was referred to the committee on Liquor Traffic.

Mr. Doty presented the petitions of the Rev. Geo. E. Jackson and eighteen other pastors of Canton; of the Eastwood Congregational church, of Cleveland; of the First Congregational church, of Cleveland, opposing adoption of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Doty presented the petition of H. W. Maurer and eighty other citizens of Cleveland, requesting the Convention to submit to the people a proposal to further prohibit the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Doty presented the memorials of T. W. Larwood, Jr., of Cleveland, of E. E. Adams, of Cleveland, with respect to taxation of mortgages; which were referred to the committee on Taxation.

Mr. Doty presented the memorial of the Cleveland Council of Women of Cleveland, respecting woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Miller, of Crawford, presented the petition of J. F. Coder and thirty other citizens of Crawford county, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Halfhill presented the petition of Phillip Dingle and thirty-nine other citizens of Lima, against the adoption of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Johnson, of Williams, presented the petition of Crosby G. Sweet and other citizens of Pioneer, protesting against the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Stokes presented the petition of the Rev. S. U. Snyder and twenty-two other citizens of Dayton, protesting against passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Miller, of Crawford, presented the petition of Mrs. Jennie E. Monnette and two hundred sixty other citizens of Crawford county, relative to the right of suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Kerr presented the petitions of H. T. Roe and two hundred eighty-seven other citizens of Jefferson county; of Guy Johnston and twenty-nine other citizens of Toronto; of W. J. McCann and twenty-seven other citizens of New Alexandria; of C. A. Richmond and twenty-one other citizens of Jefferson county; opposing the adoption of the King proposal, on the subject of

Motions and Resolutions. Introduction of Proposals, etc.

license; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of Mrs. Robt. Gould, Blue Ash; of Jos. V. Morrison and other citizens of Cincinnati; of the Progressive Farmers' club, of Ripley township; of one hundred members Presbyterian Brotherhood Bible class, of Marietta; of Edith G. Kistler, of Orrville; of Wilson Bancroft, of Orrville; of H. H. Mowrer, of Orrville; of the W. C. T. U. of Orrville; of Glenn Kropf and other citizens of Orrville; of J. Landis, of Orrville; of Fred A. Gephart and other citizens of Orrville; of N. E. Reemsnyder, of Orrville, protesting against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of Harry J. Kroesen, Jr., and forty-five other citizens of Cleveland; of E. F. Kantzer and other citizens of Ashland county; of C. S. Patchin and eight other citizens of Ashtabula county; of John Rees and other citizens of Guernsey county; of Robert E. Roth and twelve other citizens of Cuyahoga county; of W. Whiteman and twenty-four other citizens of Summit county; of James E. Davis and forty-eight other citizens of Pike county; of Robert Curry and other citizens of Jefferson county; of Walter Slaybaugh and four other citizens of Wayne county; of E. W. Berg, of Columbiana county; of Fred Smith and sixty-two other citizens of Lucas county; of John Gienger and other citizens of Licking county, asking for the passage of Proposal No. 4; which were referred to the committee on Liquor Traffic.

MOTIONS AND RESOLUTIONS.

Mr. Thomas moved that the Convention extend an invitation to the Hon. Victor Berger, of Wisconsin, to address the Convention.

The motion was disagreed to.

Mr. Antrim moved that the committee on Banks and Banking be relieved from further consideration of Proposal No. 255 and that said proposal be referred to the committee on Taxation.

The motion was agreed to.

INTRODUCTION OF PROPOSALS.

The following proposals were introduced and read the first time:

Proposal No. 280—Mr. Earnhart. To submit an amendment to article XII, section 2, of the constitution.—Relative to taxing state, county, township and municipal bonds.

Proposal No. 281—Mr. Eby. To submit an amendment to article XVI, of the constitution.—Relative to amending the constitution.

Proposal No. 282—Mr. Miller, of Ottawa. To submit an amendment to article XV, section 2, of the constitution.—Relative to public printing.

Proposal No. 283—Mr. DeFrees. To submit an amendment to article XII, section 1, of the constitution.—Relative to the levying of taxes.

Proposal No. 284—Mr. Crosser. To submit an amendment to the constitution.—Relative to the taking of private property for public use.

Proposal No. 285—Mr. Miller, of Crawford. To submit an amendment to article II, section 16, of the constitution.—Relative to legislative enactments.

Proposal No. 286—Mr. Thomas. To submit an amendment to the constitution.—Relative to election of United States senators.

Proposal No. 287—Mr. Thomas. To submit an amendment to the constitution.—Relative to judicial reform.

REFERENCE TO COMMITTEES OF PROPOSALS

The following proposal on the calendar was read by its title and referred as follows:

Proposal No. 279—Mr. Worthington. To the committee on Municipal Government.

REPORTS OF STANDING COMMITTEES

Mr. Cassidy submitted the following report:

The standing committee on Claims Against the Convention, to which was referred Resolution No. 65—Mr. Cassidy, having had the same under consideration, reports it back with the following amendments, and recommends its adoption when so amended:

In line 5 strike out the figures "\$49.75" and insert "\$48.95."

Strike out all of line 7 to-wit the words "Joseph Justice, service, \$75.00."

In line 14 strike out the figures "\$93.65" and insert the figures "\$88.65."

In line 16 strike out the figures "\$79.59" and insert the figures "\$75.59."

The report was agreed to.

The question being "Shall the resolution be adopted?" The yeas and nays were taken, and resulted — yeas, 102; nays, none, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Ashtabula,	Peters,
Antrim,	Harter, of Huron,	Pettit,
Baum,	Henderson,	Pierce,
Beatty, Morrow,	Hoffman,	Price,
Beatty, Wood,	Holtz,	Read,
Brattain,	Hoskins,	Redington,
Brown, Pike,	Hursh,	Riley,
Cassidy,	Johnson, Madison,	Rockel,
Cody,	Johnson, Williams,	Roehm,
Colton,	Kehoe,	Rorick,
Cordes,	Keller,	Shaw,
Crites,	Kerr,	Smith, Geauga,
Crosser,	Kilpatrick,	Smith, Hamilton,
Cunningham,	King,	Solether,
Davio,	Knight,	Stalter,
DeFrees,	Kunkel,	Stamm,
Donahey,	Lambert,	Stevens,
Doty,	Lampson,	Stewart,
Dunlap,	Leete,	Stilwell,
Dunn,	Leslie,	Stokes,
Earnhart,	Longstreth,	Taggart,
Eby,	Ludey,	Tallman,
Elson,	Malin,	Tannehill,
Evans,	Marshall,	Tetlow,
Fackler,	Matthews,	Thomas,
Farnsworth,	McClelland,	Ulmer,
Farrell,	Miller, Crawford,	Wagner,
Fess,	Miller, Fairfield,	Walker,
Fluke,	Miller, Ottawa,	Watson,
Fox,	Moore,	Weybrecht,
Hahn,	Norris,	Wise,
Halenkamp,	Nye,	Woods,
Halfhill,	Okey,	Worthington,
Harbarger,	Partington,	Mr. President.

The resolution was adopted.

## Reports of Standing Committees — Resolutions Laid Over. — Second Reading of Proposals.

Mr. Antrim submitted the following report:

The standing committee on Banks and Banking, to which was referred Proposal No. 198—Mr. Hahn, having had the same under consideration, reports it back and recommends its indefinite postponement.

The report was agreed to.

On motion of Mr. Hoskins the committee on Corporations other than Municipal was discharged from further consideration of Proposal No. 112 and said proposal was referred to the committee on Judiciary and Bill of Rights.

On motion of Mr. Hoskins, the committee on Corporations other than Municipal was discharged from further consideration of Proposal No. 195 and said proposal was referred to the committee on Taxation.

Mr. Miller, of Crawford, moved that the committee on Rules be relieved from further consideration of Resolution No. 57.

Mr. Fess moved that the motion be laid on the table. The motion was agreed to.

Mr. Roehm submitted the following report:

The standing committee on Legislative and Executive Departments, to which was referred Proposal No. 236—Mr. Worthington, having had the same under consideration, reports it back with the following amendment, and recommends its passage when so amended:

After the word "contemplation" in line 11, insert the following: "or with reference to any alleged breach of its privileges or misconduct of its members,".

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

Mr. Price submitted the following report:

The standing committee on Legislative and Executive Departments, to which was referred Proposal No. 36—Mr. Hahn, having had the same under consideration, reports it back, and recommends that it be indefinitely postponed.

The report was agreed to.

Mr. Holtz submitted the following report:

The standing committee on Legislative and Executive Departments, to which was referred Proposal No. 21—Mr. Okey, having had the same under consideration, reports it back, and recommends its indefinite postponement.

The report was agreed to.

## RESOLUTIONS LAID OVER.

Resolution No. 76—Mr. Hoskins, was taken up.

On motion of Mr. Doty the resolution was indefinitely postponed.

Resolution No. 77—Mr. Kerr, was taken up.

On motion of Mr. Kerr the resolution was laid on the table.

Resolution No. 78—Mr. Peck, was taken up.

On motion of Mr. Peck the resolution was indefinitely postponed.

Resolution No. 79—Mr. Bowdle, was taken up.

On motion of Mr. Evans the resolution was laid on the table.

## SECOND READING OF PROPOSALS.

Consideration of Proposal No. 151—Mr. Anderson, was resumed.

Mr. Colton, having yielded the floor for a motion to adjourn, was recognized by the president.

Mr. COLTON: In the little time I shall occupy, I shall endeavor to confine myself strictly to the subject and to refrain from wandering off into other fields no matter how enticing they may be.

There are before the Convention two propositions, one the report of the majority of the Liquor Traffic committee and the other the report of the minority, and the question is whether the report of the minority shall be substituted for that of the majority.

Now, there are certain things concerning this about which I think all are agreed. Whatever may be true about certain people in the old world having power to control themselves in their use of intoxicating liquors in such a way that the evils resulting from the same in those regions are reduced to a minimum, we all know that in this country there are multitudes of people who are not capable of self-control in that way, and I think there is no question that out of the use of the intoxicating liquors grows the greatest evils in this country. It is not necessary to discuss that question at all.

Again there are certain sections of our state which, it is evident, for a long time must remain wet, as we say. That is to say, public sentiment is such that in those sections the sale of intoxicating liquors must continue for a long time to come. I think we are all agreed that in those sections the utmost that is possible is to restrain the evils resulting from the traffic in intoxicating liquors to a minimum. We may differ as to what ought to be done, but I think that we agree that something should be done—the most possible—to reduce those evils.

The two propositions before us agree in that both permit license in wet territory. They agree also on a separate submission to the people of both of them. They agree also that the alternative of the proposition in both cases is practically the provision now in the present constitution forbidding license and giving the general assembly power to provide against the evils resulting from the traffic in intoxicating liquors. So much for the agreement. Now we may rule out of the discussion the question of license, since both permit it. We may rule out of the discussion the question of the evils of the liquor traffic, since those are expressly admitted, and we may rule out of the discussion, I think, the question as to whether the sale of liquor should be restricted so as to diminish, as much as possible, the evils, for that is universally admitted.

Coming now to the propositions, we see that the differences between them lie entirely in the first section of each, and it is from a consideration of those now before us that we are to decide which shall be chosen in place of the other. It is simply a choice between the two propositions.

## Traffic In Intoxicating Liquors.

For myself I cannot but favor the minority report and shall vote that it be substituted for the majority report and for certain reasons which I shall give you briefly.

In the first place the minority report is couched in exceedingly clear language. I have read it very carefully and studied it again and again and I cannot see how the idea expressed there could be expressed more clearly or in such a way as to be less ambiguous. It is as clear as sunlight. In voting for that we shall be taking a step in the light.

The same cannot be said concerning the first section of the majority report as you have very likely learned from your study of it and from the discussion that has taken place on this floor. There is much doubt as to the meaning of that section in the majority report. I confess I do not understand it. It confounds not only laymen like myself, but it counfounds men of the legal profession. I have yet to see one who thought he understood it in all its bearings. It professes to protect such restrictive and prohibitory laws as are now on the statute books and yet, as has been shown by the gentleman from Harrison county [MR. CUNNINGHAM], it does not reach all of those and its enactment might nullify some of those laws. It would seem, from a casual reading of it that it would be possible to apply the principle of local option in our state after its adoption as before, and yet it is a serious question whether, if that becomes a part of the constitution, a portion of the territory of our state now wet and in which the liquor traffic has been licensed could ever become dry through the operation of the local option principle. It would seem as though the state might become dry from the application of what we call state-wide prohibition, but the last three lines of the first section seem to make that impossible. In fact, I can hardly come to any other conclusion than that in this section there is in some way, intentional or otherwise, buried some hidden interpretation that will largely nullify what it seems upon casual reading to mean. Any clause stated in such a way that it is difficult to understand ought not to become a part of our constitution.

In the second place, the majority report provides that license shall be granted in wet territory. The minority report provides that license may be granted. It authorizes the granting of a liquor license in wet territory. I don't attach much importance to this for it seems to me whichever one of these should become part of the constitution the license would be granted. However, there is this advantage in favor of the minority report: If license were granted in wet territory and it was found after a time that the licensed saloon gave rise to more evils than a saloon operated under the old method, it would be possible to revoke the license thus granted. Again, restriction, it is claimed, ought to be placed upon the liquor traffic in wet territory, and both plans provide for limitations and restrictions. The majority makes it incumbent upon the legislature to pass the laws stating what the restrictions shall be. The minority report places the restrictions in the constitution here in the Convention. I am willing to concede to every member of the Convention perfect candor in the handling of this question. I concede that each one of us desires the liquor traffic in wet territory to be restricted so as to diminish the evils resulting therefrom as far as possible.

But I am not willing to concede to the brewers and liquor dealers and saloonists the same honesty and candor when they insist that the liquor traffic ought to be restricted in this way. Their whole dealing with the question leads to the opposite conclusion; and, if the majority report of the committee should become part of the constitution, when the legislature is about to enact a law placing restrictions upon the liquor traffic in accordance with its provisions, there is no question that these liquor interests will be on hand using all the influence they can bring to bear to see that this law is one that will not restrict the liquor traffic in such a way as to injure their business. They would draw the teeth out of the law and make it as ineffectual as possible, so far as protective measures are concerned.

These restrictions placed in the constitution in the report of the minority seem to me to furnish the only means by which we can be sure that the liquor traffic will be restricted at all in any effective way, and I believe these two restrictions are effective. The minority report does not contain all of the restrictions I would be glad to see placed there, but the two there are effectual and effective.

In the first place, one of those provides that the number of saloons shall not exceed one to one thousand of population, except the villages and localities where there is a population of less than one thousand.

Now it is said it makes no difference whether you have one saloon to a thousand or four or five or six saloons to a thousand, that there will be the same amount of liquor consumed. I do not think that is true, but even if it were true that one large saloon would mean the sale of the same amount of liquor as five or six smaller saloons there is one advantage in having only the one instead of five. There are certain people so addicted to the use of liquor that they would go to the large saloon even if it were several miles away. We cannot protect them if a saloon is within reach, but we may protect some others. We all know people addicted to the liquor habit to the extent that if left at home and not brought in contact with a saloon and with associates who hang around the saloons, they are not overpowered by their appetite to such an extent that they would go seek a saloon. I know such men, men who keep away from the saloon because they fear if they pass its open door and catch the odors that come out, or meet their associates in the vicinity of the saloon, the appetite will be overmastering and they will enter, and once within the saloon a period of debauch follows. Now, if the saloons are not distributed in that wet territory, but are gathered into one in the municipality, if it has only one thousand population, we shall protect that class of people and protect our boys. They will not so frequently pass a saloon and not be so likely to enter it. We shall protect the working man who, perhaps, on his way home from his work on pay day with his week's or month's wages in his pocket, will be very much more likely to reach his home and use his money for the proper maintenance of his family if there is one saloon than if there are five. He may not be able to withstand the temptation to pass those five saloons and his wages will drop into the till of the saloon keeper instead of being used in the proper way.

Again, the minority report is very clear in that it gives

## Traffic In Intoxicating Liquors.

the general assembly the power to still further restrict the sale of liquor even though license should be granted. It retains all the power of the present constitution so far as regulation of the liquor traffic is concerned. The majority report is very doubtful so far as this power is concerned. These, very briefly, are some of the reasons why I feel compelled to give my support to the minority report.

Mr. FARRELL: May I ask the gentleman a question?

The PRESIDENT: The member from Medina has been recognized.

Mr. WOODS: If he wants to ask a question I will yield.

Mr. FARRELL: I would like to ask the member from Portage [Mr. COLTON] if he seriously believes if the minority report passes this Convention it will be approved at the coming election.

Mr. COLTON: I think it would be fully as likely to be approved as the majority report if that passes here.

Mr. WOODS: I am not going to talk long and I am not going to give you a temperance lecture. I want to talk about these two proposals.

If I understand the proposition, the advocates of the King proposal are only asking this Convention to submit to the people a separate proposition providing for license where the traffic exists. I think I am correct on that. Now, I am not opposed to submitting a proposition of that kind. I am willing that the people shall go to the polls on election day and say whether they want the traffic in intoxicating liquors in this state to be regulated or not by way of license. I am not saying, I will vote for it at the polls. I may vote to submit to the people a great many questions here that I will go home and vote against at the polls; but I am willing that they shall stand up for themselves and say whether they want those things, and this licensing of the liquor traffic is one of those. I come from a county perhaps as dry as any county in this state. I have been in the general assembly and I have tried to represent that county on this question. I never asked a man to vote for me to come to this Convention and I am sorry and have been sorry ever since I got here that anybody did vote for me to come here, and I have wished myself back home many a time.

The Women's Christian Temperance Union had a county convention in our county and they insisted that I should go there and tell them where I stood. I did go there. I told them that I was in favor of submitting a license proposition to the people of the state, but I would insist upon some things and those things were that it should apply to wet territories and should protect all existing laws and court decisions; and I am standing by those statements right now.

Now, I understand the advocates of the King proposal are only asking for that. If that is all you are arguing for, three fair-minded men can get together and in ten minutes prepare such a proposition, and why not get it and submit it separately and be through with it?

Now, I had not studied this proposal until I was on my way home. I looked at it, again at home and again coming back and I want to call your attention to a few things.

First, we have on the statute books in this state several

local option laws — we have township option, we have village option, we have county option, we have residence district option. Outside of county option I think every body will agree — and most of the temperance advocates will agree to the county local option law — but we must all agree to the proposition that the people should have home rule about this question.

Take my county: The town I live in, Medina, has been dry since the first local option law was placed upon the statute books. I have fought a great many times to keep Medina dry, and if they ever try to put saloons back in there I will be there to help fight again. But if I lived in a county like Cuyahoga, I would not fight to put a county like that in the dry column. It would be a waste of time. Public sentiment is not educated up to that point in large cities, and until it is, it is a waste of time to try to enforce a law that the people don't want. You can not do it — makes a farce of the whole thing. But these local option laws, as they are now, give the people of those localities the right to say whether they want saloons within their borders or not, and insofar as they do that I think we must all agree that they are right. I don't want to cast a vote in this Convention that can possibly raise any question as to the future construction of these laws, and it is not necessary to do that in order to submit a proper clear-cut license proposition to the people of this state to vote upon.

Now we have those four local option laws on the statute books and we have other laws passed to regulate the traffic in intoxicating liquors. I am not in favor of voting to put something in the constitution that is going to in any way impair those laws or the court decisions rendered under them. We have not a temperance law upon the statute books in the state that has not been tested through the supreme court, and almost any lawyer — and every lawyer who pays any attention to criminal law — knows what constitutes a case under those existing laws. I do not think anybody in this state — I don't care what his temperance views are — should be in favor of doing something so that if the proposition we submit is ratified by the people at the polls, no one of us will know until we have fought all those laws again clear up to the supreme court just where we stand or just what the law is or what is not law. I think it is an awful mistake to do something like that. I think the advocates of license ought only to advocate a clear clean-cut proposition, one that everybody, I care not whether a lawyer or a layman, can read and understand. You don't have to submit something here that we don't understand when we read it. It is not necessary to do that. You can provide a license proposition in six lines that will be clear and that everybody can understand if that is what you want. If you want to fix up something that will do something that it appears not to do, then you have to take more than six lines to do it. Now, with these facts in view, I want to call your attention to a few things in this King proposal.

To start out with line 11: "License to traffic in intoxicating liquors shall hereafter be granted in this state" — that is a mandatory provision — "and license laws shall be passed to regulate and restrict the said traffic and shall be operative throughout the state." Now here comes a proviso: "Provided that where the traffic is prohibited." What does that mean? That means where the

## Traffic In Intoxicating Liquors.

traffic is prohibited now, not where it may be prohibited at some future time, but now. That cannot mean anything else. [Reading] "under laws applying to counties, municipalities, townships or residence districts, the traffic shall not be licensed in such of said local subdivisions so long as the prohibition of the said traffic shall by law be operative therein." There is a period and then it goes on—"Nothing herein contained shall be so construed as to repeal or modify such prohibitory laws." What is that clause in there for? "Nothing herein contained shall be so construed as to repeal or modify such prohibitory laws!" Why single out those four laws—the four local option laws—and say nothing about the regulatory laws on the statute books? Does that propose to mop off the books every law that regulates the traffic in the state excepting the four laws above enumerated? Does it purport to do that? I could figure out one of the best arguments, if this provision goes into the constitution, that I believe a lawyer could make to the effect that the simple fact that this constitutional provision says that those prohibitory laws shall not be affected—that if it is necessary to say that, it is just as necessary, if you want to save the regulatory laws, to mention those. If it is not, why not? I tell you it looks to me as though this proposition was intended to mop from the books every law that pertains to the liquor traffic in this state except the four local option laws.

Mr. LAMPSON: I want to ask the gentleman if it would not nullify the \$1000 Dow tax?

Mr. WOODS: I think so.

Mr. ANDERSON: Is it not an axiom in the law that if you attempt to enumerate, it only applies to the things enumerated and nothing else?

Mr. WOODS: That is the way I understand it. I take it that by enumerating those four local option laws, they must have intended to mop off the books all other laws pertaining to regulation.

I am not here to vote to submit something to the people that ordinary men cannot understand. It takes a lawyer, and he has to do some studying, to understand what this proposition means.

And I think it is all uncalled for. I think we could pick out a committee of three that in ten minutes can take care of this proposition. We have been talking about the evils of the liquor traffic and I have heard those talked about since I was a little boy. I don't think we need to talk to this body of men about the evils of the liquor traffic. Let us talk about this proposition. I think a license proposition can be submitted, and I don't think it is necessary to submit a license proposition—if you take everything out of the constitution, as our friend Mr. Evans suggests. The general assembly can license or not license. It would all be left in their hands. But if you want to submit a license proposition, make one that is fair. Make one that without question will protect all existing laws and apply simply to wet territory, and I am ready to support it, but I never will support a proposition of this kind. I think you are not dealing fairly with the people. I don't think you are giving them a square deal. They won't know where they are when they come to vote on the proposition.

There are a good many things about this King proposal that are wrong. Under this proposal if you let

a county that is now dry vote wet I will say to you that that county can never afterwards vote dry again; nor can a township nor can a village nor can a residence district. I don't believe anybody here wants to do that. I think you want to let the villages and the townships and the residence districts of this state have their own way as to whether they shall have saloons in their territory. I say to you that that will be the result of this proposal if adopted, and I don't believe that is what you want to have go into the constitution. That is not what license advocates ought to be asking. I say to you that you cannot afford to ask for anything like that.

Now take lines twenty and twenty-two. What do those lines mean? "Nor shall any law be valid which has the effect of defeating or negating directly or indirectly the regulation of the traffic by a license system herein provided for." What does that mean, gentlemen? I will be honest with you and I will tell you I don't know what it means.

No less a person than United States Judge Killits, in a letter written to a member of this Convention, has said that he cannot tell what it means.

Mr. LAMPSON: Take the letter and read it.

Mr. WOODS: This is written from Toledo, Ohio, February 24, 1912. It is addressed to Delegate Lampson.

"I thank you for a copy of the full text of Proposal No. 4 of Judge King, relating to licensing the traffic in intoxicating liquors. The first section of this proposal I have been familiar with for some time. It seems to me that it violates the first canon for the preparation of a constitutional provision—that the language should be plain, unequivocal and free as possible from double construction, and that it does contain provisions easily susceptible of interpretations which will so hamper control of the traffic that many good people who believe local public sentiment should dominate, and therefore favor restrictive license for communities where the traffic finds predominating favor, and vote for it under that sentiment, will be deceived.

Superficially, the provision seems to safeguard local option laws, but, if the apparent attempt to safeguard may be considered to be real, the laws which make it unlawful to carry on the business in the near vicinity to soldiers' homes and agricultural fairs are not protected, and, in substance, they will be nullified because of the omission to refer to them in lines 14 and 15. People who honestly want to control the traffic and favor license as the best method ought to know of the defect of the proposal in this regard.

A more serious criticism is that the proposal provides very shrewdly that any variation in public sentiment on the subject of the traffic can operate only in its favor. For instance, my old county, Williams, is dry by operation of the Rose law. By reason of the terms of lines 13, 14, 15 and 16, the county would remain dry until it was voted wet by an election under the Rose law. If it should be voted wet, thereafter, in my judgment, the Rose law, as to Williams county, would be superseded by this constitutional provision, for

## Traffic In Intoxicating Liquors.

then the Rose law would be inoperative in that county, and, therefore, its provisions could never be invoked for another local option election because of the provisions of lines 20, 21 and 22, for then the Rose law would have "the effect of defeating or negating, directly or indirectly, the regulation of the traffic by the license system," in operation in Williams county after the county went wet. The Jones and Beal laws would meet the same fate.

The Jones law is the residence-district option law and the Beal law is the village option law. He does not mention township law, but it certainly would be the same thing. And their continuance in operation for the time being or absolute repeal for any particular community would depend on the very first test. The construction which I am giving here seems to me to be the most favorable.

There is still a graver question. There is good opportunity to argue that lines 20, 21 and 22 might invalidate or nullify, immediately upon its adoption, all our local option laws, because such laws would have the effect of defeating directly the regulation of the traffic by license.

With all due respect to my long-time friend, Judge King, his proposal seems to me not to afford a square deal even to those who, knowing that the traffic profoundly affects the industrial, physical and moral well-being of the people, favor license as the best method of curtailing its evils.

I have no objection to your using my name in this matter. It seems to me that all good citizens of the state, however they may differ in their views on the liquor traffic, ought to stand together in demanding that the issue be fairly, unequivocally and plainly framed, with no opportunity for misunderstanding as to the effects of any provision of the proposition presenting it.

Sincerely yours,  
JOHN M. KILLITS.

Judge Killits is one of the federal judges in the northern district of this state. He holds court usually in Toledo.

Now just another point on this proposal. A good many proposals have been submitted to this Convention and this is the only one that I have looked over that provides even the form of a ballot and all details as to submission. I don't think we should load down any proposal with such things as that. My understanding is that we have a committee here that will look after the method of submitting all proposals and that this Convention is to decide how they are all to be submitted. If we commence putting in every proposal the form of the ballot, etc., we will have a bad mess when we get through. It is uncalled for, and I don't think those provisions should be in this proposal, but I think they should be taken care of afterwards.

Mr. KING: Are you opposed to a motion to amend the motion which I made because the amendment now under discussion provides a method of submission?

Mr. WOODS: I am opposed to that part of it, yes; but I am opposed to this proposal as Judge King has it. I am opposed for that matter to the minority proposition. I am hard to satisfy, I guess. As I said before,

I don't think there is any reason for us quarreling about this proposition. I think the people of the state of Ohio expect that we will submit a license proposition to them and I think they expect we will submit a fair proposition. As I said before we can fix up a fair proposition in a short time and adopt it and be through with it. We could do it tonight. I don't think it is necessary for us to spend two weeks talking about a matter like this. We cannot settle the temperance question or the liquor question. This is the fifth winter I have been in this house and every winter down here we have gone through the same thing, and when we leave the state house in the summer the matter is as far from being settled as ever. I would like to settle it and I would be willing to stay here a long time to do it, but we can't do it. The people expect a license proposition and I am willing to submit it to them, but we don't need to submit anything that there is any question about when it is so easy to fix up something that will take care of all of the existing laws and court decisions. Then submit it to the people separately, and let them say whether or not they want a license in wet territory.

Mr. WALKER: I have listened with much interest and no little astonishment to the line the argument has taken thus far upon this question. It is perhaps to be expected that my angle of observation would differ from that of the average man.

It has never been my principle to temporize with evil. My way of dealing with it is to eradicate it rather than regulate it.

In the arguments that have been presented upon this matter by the gentlemen who are asking for the submission of Proposal No. 4 in not one single instance have they undertaken to give us a single reason for the existence of saloons. Not a man has said a word in commendation of the saloon. That speaks well for their moral sense and for their honesty, and I commend the gentlemen who have spoken upon the other side of the question for this frank omission characterizing every one of their utterances.

The author of the majority report, however, based his every statement on the assumption that one of the chief concerns of this Convention is to care for the business of the brewers and saloonists.

If this Convention wants to go down in history in the ridiculous attitude of having debated for two weeks and finally taken action for the defense and protection of a business admitted as evil and contaminating by every speaker who has risen in its behalf, it has the opportunity to make itself thus ridiculous by passing Proposal No. 4.

I think we were all impressed with the keenness and skill of the plea for the proposal on the part of the distinguished author, and yet I do not believe his presentation convinced a single man on this floor that there were not sleepers in it, as repeatedly charged by speakers on the other side.

Therefore, we need not be in doubt as to the object of their being framed in the form in which we find them. As the speakers upon the other side have taken the floor, my sympathy has gone out for the men who ought to use their ability in better business. Their carefully guarded utterances revealed the mental stress under which they were earning their money as advocates of a

## Traffic In Intoxicating Liquors.

confessedly bad cause. One member for instance, in arguing in opposition to the substitute, said that he opposed it because it would be defeated at the polls. Is not that what the gentleman desired? If the substitute proposal should be adopted is it not the keen desire of their hearts to have it defeated at the polls? I can not see any other consistent reason for opposing its submission. He then says, "Let us submit something that will be adopted." Gentlemen, is that the only standard by which we will decide what to submit?

I stood before the people of my county and made this solemn pledge, that upon every matter that presented itself here I would cast my vote upon the proposition: "Is it right or is it wrong?" And the matter as to whether the people would accept it or not is up to the people. In the course of his remarks the gentleman said that the saloons—if I may quote the sentiment rather than his exact language—the saloon was a necessity because some men can drink without doing themselves any harm. The statement prompted me to write out this amendment, which before the debate is through I shall offer, if it is decided a license is to be issued:

It shall be unlawful for any person to engage in the traffic in intoxicating liquors unless provided with a license permitting such traffic. The legislature may authorize any judge of the court of common pleas of the district in which such traffic is to be conducted to issue such license.

A copy of such license, accompanied by a bond for five thousand dollars (\$5,000.) shall be filed with the auditor of the county in which such traffic is to be conducted, and said bond shall be forfeited to the county in case the licensee shall sell intoxicating liquors contrary to law. It shall be unlawful for said licensed dealer in intoxicating liquors to sell intoxicants to any person not provided with a license permitting him to drink.

The probate judge of the county may be authorized by the legislature to issue such drinker's license, provided the applicant for license to drink present a certificate from a reputable physician certifying that the applicant will not be injured by the use of alcoholic beverages.

I think that will take care of the man who can take a drink and do himself no harm.

Mr. ANDERSON: Why not submit state-wide prohibition and be done with it? That would result in state-wide prohibition.

Mr. WALKER: I have not the slightest objection to that.

I was gratified at the discovery of an unrecognized and unappreciated genius here who informed us that he had been mayor of a town of twenty-five hundred inhabitants in which there were seven or eight saloons and at the end of his administration there was not a drunkard in the town. I submit to you that there are cities all over this state who are clamoring for just such executive genius as that. If a man can by enforcing the regulatory laws that we had upon the statute books a few years ago eradicate all drunkards, and make every man a sober, law-abiding citizen, that man has places waiting for him of which he has not yet dreamed.

We were feelingly informed that there was need of

some change in the minority report, for it put in the constitution in the form in which it is now it would be unconstitutional. I confess to some mental obliquity in many things and that may explain why the absurdity of an unconstitutional constitution so appealed to me that I could not but note it in passing.

Another gentleman upon the other side gave us this statement, that it had been his observation after having passed through three years' experience under the Rose law in his county, that the passage of that law made a vast number of hypocrites. Does a single man on this floor believe that the enactment of the Rose law made a hypocrite? When a man gets to be ashamed of his conduct is that man a hypocrite? I am here to stand in defense of the man thus denominated a hypocrite. I think when a man becomes ashamed of his conduct he has taken one step upward. That is one step towards regeneration; I honor the man who is ashamed to go in the front door of a saloon. If he is compelled to go there by his appetite, let him sneak in by the back door. You can call him a hypocrite if you want to, but I don't. I am glad that he has enough manhood left to be ashamed to go in the front way.

Do you recall that beautiful piece of literature which we all recognize as a masterpiece, where the writer speaks of the young man who has taken his father's goods and wasted them in riotous living? The first step in that man's redemption is stated thus: "He came to himself and was ashamed of his feeding upon the husks upon which the swine fed." Just because a man must drink in some other way because the passage of the Rose law makes it necessary does not make him a hypocrite.

And I can not agree with my most excellent and worthy friend, one of the most learned members in the Convention, that everything should be left to the people. I refer to our distinguished member from Scioto. He said that he was willing to leave this matter entirely to the people, that they should have absolute liberty in everything; if we subscribe to this premise there is no legitimate stopping place short of anarchy. I tell you that a business of which no good can be said, and which is tolerated but for two reasons, greed and appetite, should not be left to the people. A body of men charged with the duty of making the organic law of the state has no right to submit a matter fundamentally wrong to the people. You may say this is high-handed dealing, but I think I can defend myself. One member said, "We are not here to make laws, we are here to leave that to the legislature." Then may I ask that gentleman in all candor why he was not willing to submit this matter to the legislature without putting this mandatory "shall" with reference to license? Is it consistent for personal liberty advocates to advocate one-sided liberty? And the gentleman was very vehement in his statement on another matter, that the "constitution should chain down the legislature." That was in his speech in opposition to the change in the jury system. He was anxious that the constitution should chain down the legislature, and yet when this proposal comes up he is anxious that the legislature shall be given full scope and sway. It still makes a difference whose ox is gored.

His inconsistency was again shown in this: He was astounded that any one should oppose submitting the



## Traffic In Intoxicating Liquors.

license feature to the people, but said he would oppose a submission of state-wide-prohibition. If it is good for the people to vote on license, is it not good also to give them the right to vote on the alternative of state-wide prohibition?

Two members have emphasized that this is not the place to discuss the morals of the subject, that it is just a question of submission. Then why tie up the legislature, if it is merely a question of submission? A question of submission necessarily involves the question of what we shall submit and no man here can conscientiously face this question without gravely considering: "What shall we submit"?

Of course it is a simple question of what we shall submit. Would any of the advocates of this measure want to submit to the people a question whether we should license pest-houses or would they submit a proposal to license houses of ill fame and thus bring still more reproach upon the fair name of the state? Not for a minute would anyone advocate that.

We were patronizingly reminded that this is a problem that has been before men from the beginning of government. I deny that. The matter of drinking has been here, but the un-American saloon is a comparatively modern institution. It has been over here with us such a short time that it can hardly speak English. It is a proposition that has come to us in the last fifty years. It was not before the people in years gone by, and we are now facing a new situation relative to the saloon.

The same gentleman also informed us that there was a very simple way to stop the liquor traffic, and that was to "convince a man that he ought not to drink." I deny that. "Convince a man that he ought not to drink", said he, "and the business will cease." I deny that. You know as well as I that it is false. You know as well as I that there are men who are thoroughly convinced they ought not to drink and yet they can not resist the temptation. In the campaigns in which I have had the privilege of engaging against the liquor traffic, some of the strongest workers we have had on our side have been men who could not resist temptation and who have asked that the saloons be voted out so that temptation can be taken from them. Does not the appeal coming from men in the grip of appetite—does it not come to you with force as you face your duty representing your state in this matter?

I am appalled at the very phraseology of the King Proposal No. 4 that provides for licensing the traffic in intoxicating liquors. What does it mean? Robbed of all euphuism it means the legalization of making men drunk. There is no other construction to be put upon it.

And the informer said it is a practical question, not a theoretical one. I am glad to agree with him on that at least. It is a practical question, and when the state tries to stop contagion it goes at the source. The proposition to license so many homes where small-pox could be disseminated would not be any more irrational than to license so many pest-houses where men can be ruined by intoxicating liquors. It is a tremendously practical question.

I am amazed at the effrontery of the liquor traffic in coming before this Convention and asking the Convention to throw protection around their damnable

business. I am astonished that they would take us to be a body of men who would listen to appeals like that. They must think we are a very gullible lot if they expect us to do it, and if we were to do it I think their antics in jubilation would be interesting to watch, and their comments on us might be interesting to overhear. Why, gentlemen, if we do it we will go down in history as the duped clowns of a business that only brokenly speaks the English tongue. Seeing the handwriting on the wall of their blood-bought palaces, hoping to avert the threatened destruction a little longer, see them fawn at the feet of this Convention, asking it to take them under its protecting power. How pitiable is their appeal to us to help regulate this traffic after they have resisted every regulative law ever enacted or conceived. Is there a single gentleman on this floor who can be deceived by such duplicity? Can't the brewers regulate every saloon in this state under the present law? I am credibly informed that they own or control eighty per cent. of the saloons of the whole state and in the cities a much larger percentage. A man told me recently that there were but two saloons in Cleveland that were not owned or controlled by the brewery interest. I do not know whether that is correct or not, but in the face of such charges it is safe to say a very large percentage is thus controlled. Now if the brewers own ninety per cent of the saloons, can they not regulate them today without any help from this Convention?

But they tell us that they can not limit the number. If we are to believe their attorneys here it would be unconstitutional to limit the number at any rate!

If a few years ago the brewery interests had wanted regulation, couldn't they have come before the legislature and gotten all the restrictions they wanted? And they can do the same thing next winter. They tell us it is not the liquor interest demanding it, but it is the business men. I submit to you gentlemen, if that be true, that that is the strangest form of missionary enterprise I ever knew men to engage in. Why is this the only business in the state of Ohio appearing before us asking protection and regulation?

I can not prove it, but I have a pretty strong suspicion that the men who stand as champions of this business are not the sufferers thereby.

I have a brother who is a breeder of fine sheep. Some little time ago I visited him during lambing time, when he has to be very careful of the new arrivals. He asked me to go out and help him see that they got their first milk. I was doing the best I could. I was holding the mother with one hand and the infant with the other, and finally I said, "I don't know whether this lamb is getting its food or not," and he looked over from quite a distance off and said, "Yes, it is," and I said "How do you know?" and he said "When you see its tail wagging like that you know it is getting milk at the other end."

Gentlemen, there is but one reason why we are tolerating the saloon. Let us be frank. That is, it pays. There is no other reason why it is tolerated, not a single one. It pays. It pays somebody. The keenest student of criminology after whom I ever read, was a man who had studied crime and criminals as few men had. He had studied them from the outside as well as the inside of a jail, and after years of personal contact with them.

## Traffic In Intoxicating Liquors.

he left us a generalization of his observation in these words: "The love of money is the root of all kinds of evil." Every man on this floor confesses that the saloon business is an evil business. If that generalization be true, and you can not deny the statement that I have quoted, it is conducted solely for the money it produces. So I ask, why should an evil be necessary? Is a sovereign state to surrender its power and its prerogative and yield them to such a business as that? Has it not the right to suppress it? There is one situation revealed here that is full of portent. I almost hesitate to speak of it, but yet I shall. It may not be wasted. That is the indifference to this great evil that characterizes the average city dweller. I need not cite to you the fact that every nation that has gone down in history has gone down because of debauchery. I am not a pessimistic prophet. I think every drop of my blood is optimistic, and yet I tremble when I think of the fact that in this country of ours we permit the riot and ruin that is dominant in the city life of today. I have no particular fault to find with the city. It is a good place for a man who cannot make a living in the country. I am willing for the city to go on, but the indifference to the saloon manifested there astonishes me. Gentlemen who live there, with the saloon and all of its evils under their eye, become inured to it. Last summer I was taking a journey on a train and after I got into the coach we were backed up directly opposite a slaughter house. It was hot weather (it was in July), and the slaughter house was just a few feet away. There we sat and sweltered. The scent from that slaughter house was awful and penetrated all the cars. But at the end of an hour and a half I didn't smell anything. The scent was still there, but I had become so used to it that I didn't notice it.

Now that is the real fact about the saloon business in the city. And it is one to which we all ought to give earnest heed. A certain wet champion of whom I have recently heard started out in life as a prohibitionist, a third party prohibitionist. Think of the retrogression there. If any progress is there it must be the progress of a crawfish. But they say a crawfish usually gets there. Yes, he reaches his destination by going backwards, but he reaches subterranean depths, a region where none of us care to go.

Why should we interest ourselves in trying to save the saloon? We were feelingly urged by one member not to destroy it unless we gave a substitute for it. Then we need a substitute for depravity. Who needs the saloon? It was said that it was the poor workingmen—the poor, tired workman. Where would he go if it were not for the saloon? I would send him at the end of his day's work to the home that has been robbed of his presence all day and to his wife who has been toiling with him for the care and maintenance of that home. I would send him to the presence of those children who have a right to look to the father as an example and a right to his companionship. I would not think that I had deprived him of anything when I kept him from going to a place where he might drink himself into irresponsibility. A saloon needs no substitute. I grant you that there are some things needed in the social life of a community, but they are not substitutes for a saloon. There is not a member here who will say

that a saloon has done any good and I have no need for a substitute for a rattlesnake.

License is wrong from every angle of vision. Who pays the license? It is the poor victim of appetite who eventually pays. You can not explain it in any other way. To legalize this traffic is to intrench it in politics and forever. The political boss finds it the most serviceable agency for perpetuating his graft-fed, vice-encouraging, liberty-destroying domination.

It is because of that fact that he insists on it being intrenched. He wants to remove from it the odium that attaches to it as being an unlawful business. Like Ishmael, its hand is against every man and every man's hand is against it, and they would have it made respectable and legalized and put upon the same basis as selling dry goods.

Now I desire to emphasize just one more phase of it, and that is the moral obligation under which our state rests to do the right thing. The state is bound by law, as undeniably every man of us is bound, to do the right. The only thing we should consider here at the start is whether it is right or wrong. It is not a question of whether the brewery interest owns the saloon or whether the business man owns the saloon. The only thing we have any right to consider here is whether license is right or wrong.

When a state becomes indifferent about its moral obligations and issues, the name "Ichabod" will be written above on its lintel. The state cannot afford to temporize with organized lawlessness, or compromise on matters universally recognized as basically immoral. When it becomes partner in iniquity, sharing its unholy profits, and winking at violations of what even the courts have universally declared to be illegal and without right to exist, it has no guarantee of either perpetuity or continued prosperity.

The shame of the scarlet woman, who probably sells herself body and soul through poverty, is a virtue as compared with the shame of our state should it with all its wealth prostitute itself for the hire of the brewers' seducing dollars. Ohio must take no backward step in this matter. Her legislation is becoming more advanced, looking more and more to the rights of her laborers, the protection of her helpless, the encouragement of education, etc. If she refuses to license this abomination she will be keeping company with the nation in its recent action regarding absinthe. Even fossilized China, as we used to call it, has set us a splendid example in refusing to permit the traffic in opium.

The age in which we live is an altruistic age. We are not treating each other as we formerly did. Today we are caring for the unfortunate, whereas a few years ago we let them care for themselves. Our state is dotted over with institutions that have been provided for the care of the unfortunate. Our blind, our imbecile, our insane, our recreant boys and girls—all of these are being cared for by the state, and we do not call it paternalism. If it is called that, it is a justifiable paternalism, and all we ask is that the state shall not aid this business that destroys more than all those other institutions can redeem.

Now don't be mistaken. The recent movement that seems to indicate that the tide is turning away from prohibition, is just an eddy in the current, apparent just

## Traffic In Intoxicating Liquors.

now, and that need deceive no one. Haven't you been on the side of a stream and looked over at the other side and seen leaves gradually going up stream? That was just an eddy in the current. It didn't mean that the whole stream was going to turn around and run back to the source. So the present little changes are but an eddy in the current and doom is certain and they know it. Why, the brewers have been compelled within the last year to raise a \$10,000,000 trust fund, and that is being used in this state as in other states, as it was in Maine, in an attempt to make it appear that the tide is receding.

Now I must not close without just one word to some of the men who stand with me in the progressive ranks. We stand in the progressive ranks today because of our opposition to the combinations of capital; we are opposed to the trusts, and you know as well as I do that the trust that has the least consideration for the people, the trust that combines greed and lawlessness in greatest degree, is this Liquor Trust. For men to pretend to be progressive and to stand for the principle of the initiative and referendum, and then advocate a license for saloons, and thus intrench all the more this gigantic trust that has fastened itself upon our country, I submit is inconsistent. We must not go back to obsolete methods.

The license is not a new thing in this state. Until sixty years ago our state had licensed saloons. In 1851 the men who stood here doing the work that we are doing today, with the experience of years before them, turned it all down and said in that constitution that henceforth no license should ever be granted to traffic in intoxicating liquor. They were speaking from experience.

You may call this a preacher's appeal, but it is more than that. It is an appeal to the fathers who would save their boys from the perils of an open saloon. It is an appeal from a preacher who all his life has been a man among men. It is an appeal from a father who would save his boy. I have four boys, and if by my vote on this question here, or by my influence, I should encourage this business in any way I should have no person to blame but myself if one of my boys should go wrong to a drunkard's grave. It is an appeal to this trusted body of men to save the fair name of the state from blot and from reproach. I do not hesitate to call your attention to the fact that there is a double scrutiny under which we must pass in this matter. There is the scrutiny of the people of the state who are turning all their eyes in this direction now. There is no other question that will come before the Convention in which the people of the state are so generally interested. Ohio's citizenship, alert, eager, will watch to see on which side our votes are recorded, and the eye that slumbers not nor sleeps is watching. The ear that first hears the shriek of every beaten wife, every pitiful wail of child bereft of fatherly care and affection through drink, every prayer of mother for the reformation of a wandering inebriate son, is listening.

Rather let my tongue be palsied, and the breath vocalizing my sentiments stifle and choke me, ere I should be accessory to so great a crime as to sell for gain the honor of the state of my adoption.

Mr. FARRELL: Do you favor the minority report?

Mr. WALKER: I do not. But I prefer it to the majority report.

Mr. TALLMAN: If a license is passed that for the next fifty years will do away with three-fourths of the evils that are now existing under the present constitution, would the gentleman be in favor of that?

Mr. WALKER: If you could prove to me that it would do that I would favor it. Prove it to me for fifty years and I will vote for it.

Mr. DOTY: I move that we recess until 10 o'clock tomorrow morning.

DELEGATES: Make it 10:30.

Mr. DOTY: If we are going to work let's work and get through with something. You gentlemen voted down a proposition the other day on the idea that you wanted to work more. Now let us get at it and work. Let's get down to it and start tomorrow. Let's come here at eight or half-past eight or nine and do a day's work.

Mr. WATSON: It has been but a few days since the gentleman rose in his place and attempted to force the committee on Printing and Publication in their work. Now that committee is working and has a meeting tomorrow at nine o'clock.

Mr. DOTY: That was three weeks ago and you haven't done anything since.

Mr. WATSON: We are doing it in our own good time.

The PRESIDENT: What is the gentleman's motion?

Mr. DOTY: That we recess until tomorrow morning at 9:30 o'clock.

The motion was lost.

Mr. PETTIT: I move that we adjourn until 10:30 o'clock tomorrow morning.

The motion was lost.

Mr. Roehm was recognized by the chair.

Mr. ROEHM: I yield the floor.

Mr. PECK: Well, if there is nobody else who wants to speak I move the previous question.

The motion for the previous question was seconded.

Mr. DOTY: There is an agreement out against that.

Mr. PECK: I have nothing to do with the agreement.

Mr. LAMPSON: I rise to a point of order. We have an agreement not to vote until Wednesday.

Mr. PECK: Who has?

Mr. LAMPSON: The whole Convention.

Mr. PECK: I didn't have any. I decline to be bound by that agreement.

Mr. LAMPSON: It was said in open Convention and announced from the president's chair.

Mr. PECK: I made no agreement.

Mr. FESS: I move that we recess.

The PRESIDENT: The previous question was regularly demanded.

The motion for recess was here seconded.

Mr. DOTY: But the motion for recess takes precedence.

Mr. PECK: A motion to adjourn might, but this is a motion for recess.

Mr. DOTY: Yes; and that takes precedence, too. Look at your rules.

The PRESIDENT: The chair will decide that the motion to recess until 10 o'clock tomorrow morning is now in order.

The motion was carried.