

# TWENTY-FIFTH DAY

(LEGISLATIVE DAY OF TUESDAY)

## MORNING SESSION.

THURSDAY, February 22, 1912.

The Convention was called to order by Mr. Doty as president pro tem.

The PRESIDENT PRO TEM: When we took a recess the gentleman from Lorain [Mr. REDINGTON] had the floor. I now recognize him.

Mr. REDINGTON: Mr. President: No one will be responsible for what I say upon this subject but myself. I represent no interests which will be prejudiced at all by what I say.

The question of prohibition or no prohibition is not now before the Convention. There are two proposals before us and each of these proposals is for a license law, differing only in detail. So far I have announced myself in favor of the King proposal, and I wish in a few words to give my reasons for that stand. I have a few thoughts upon the subject which may enable some of my friends to understand why I take this course. There are a great many points I would like to speak on, but they have already been fully covered by gentlemen who have preceded me and to say a thing twice in my judgment adds nothing to it, so I will undertake to confine myself to only a few of the things I wish to say upon the subject.

I am in favor of the King proposal because it meets my idea of how the matter should be placed in the constitution. However, I would suggest some changes in the phraseology of that proposal, to have it square with the statement of the gentleman as to his intentions, and I think as long as we have a committee on Arrangement and Phraseology that it would be nothing more than fair, if the proposal does not square with what he says he wants it to do, that we should change his proposal so that it will speak out as he intends it should.

The King proposal intends simply to place in the constitution enough authority to give the legislature the right to enact such regulatory laws as it sees fit, and in the proposal itself it also refers to certain regulatory laws we have and may inaugurate. Someone has said it is an unrestricted license law. I think that is a misnomer. I think the gentleman's own statement is that parties whom he represents do want restriction. It is simply a difference of opinion as to who shall put the restriction in the law of the land, whether it shall be done by the legislature or whether it shall be done by this Convention. On the other hand I think the Winn proposal falls short of what the author intended, if the author is acting in good faith. I have sometimes thought he was not acting in good faith, although I would not make that charge.

I have several objections to that proposal, and before I finish I wish to say now that one of my objections is that if one of the restrictions is left in that proposal the act in my judgment will be void.

But before I address myself to that legal phase of the question I wish to take up a few other objections I have,

which perhaps may be a repetition of what has already been said.

In the first place I object to the Winn proposal because it authorizes the legislature to pass these license laws if it wishes so to do. Now we all know if we give an option to the legislature such as that we shall have no stability to the law. Certainty of law makes stability of law and works to the welfare of the nation. But if it is to be optional with the legislature to pass such a law it is certainly optional to repeal it, and we shall have the political parties from now on seeking control of the legislature, one to repeal and the other to pass such laws, and there will be confusion upon that subject as long as that particular provision of the constitution stands. I am against it on that account. I am in favor of a proposal that says the legislature "shall" pass a license law, and I am for that because I seek to regulate the business. I am one of those who recognize that the evils of intemperance are beyond the tongue of man to describe and I am here to advocate this King proposal for the sole purpose of proper regulation and regulating it where it will relieve the community of some of the evils, or as many as possible at least.

I am against this Winn proposal because it undertakes to legislate and put certain provisions into the constitution that ought to be left to the legislature. I am also against it for the reason that it places within that proposal two restrictive measures that will work its defeat at the polls. We all recognize that all over the state of Ohio under this free trade in whisky we have had for years a great many men operating saloons a few of whom ought to be in the penitentiary. A great many of those men are unfit to traffic in liquor, but under this free trade any man or woman who has the price can do this business. We have a great many of such men operating the saloons, and next November when you go to such a fellow and say "Are you going to the polls to vote?" And he says, "What are you going to vote on?" and you reply, "A license for saloons. We are going to have the saloon business licensed and we are going to put in a restriction, only one saloon for every thousand people. We are going to have your license forfeited if you violate the law." He will say "I won't vote for that. I am not going to vote myself out of business." And you will stir up an army of these men and their friends to go to the polls to vote that provision down because they know they cannot exist under such a law—

Mr. ANDERSON: Will the gentleman permit a question?

The PRESIDENT PRO TEM: Does the gentleman yield?

Mr. REDINGTON: I would prefer not to be interrupted.

The PRESIDENT PRO TEM: The chair understands the gentleman does not desire to be interrupted until the conclusion of his address, at which time he will answer any question desired.

## Traffic in Intoxicating Liquors.

Mr. REDINGTON: On the other hand, I do not believe the good temperance people of the country will go to the polls and vote for a license law. I have had many letters from the people of Lorain and Elyria, and many from people of other places. I know they have said "We will not license the evils of the liquor traffic. It is blood money and we won't stand for it." They have been fighting all these years and they will never vote for license, and I say to you that you will find you will have an army of dry people going to the polls to vote against the proposal. So you would divide what we call the wets and you would also have a full phalanx of drys to defeat the Winn proposal, and I do not believe anybody seriously contemplates that the people, if given a chance, would ever pass that second proposal, because it would be obnoxious to a good many people, wets and drys. If we are going to have a proposal on the subject, let us have one that will stand at least some show of being passed. If you and I are in favor of wiping out this lawless element which is doing so much damage to the people of Ohio, and if we feel that we can do it under regulatory laws, let us propose something that we can get through at the election and leave the regulations to the legislature. The lawless element has not anything to say about the votes in the legislature, but when you submit it to them at the polls they will vote against it.

In regard to the people who are sending me these letters and who are finding fault with my position, who have talked to you from the rostrum about inalienable rights, and declare that the saloons are outlaws and have no right to exist under the constitution or under any natural law — in short any rights whatever, and that we haven't the right to license them — I wish to say this: Let us assume for a moment that there are a few people here, there or somewhere who can go and take a drink of intoxicating liquors, and that that act would not be evil, because that person could take that drink without wrong to himself or to his family or to his neighbor, and if there are a few people in the state of Ohio who can go and take that drink without having any evil in the act, then there are also a few people in the state of Ohio who can sell that drink to the man who will not abuse the privilege and there will be no evil in that act. No matter what a person's opinion may be, I think we will all agree there are a few persons in the state of Ohio in a class by themselves, who can take a drink without any evil in it and who can sell a drink without any evil in it. Now we are seeking to license this business to prevent any evil that grows out of its abuse, to prevent the remainder of the people, who can not drink without committing evils, from doing evil, the same as you would license an auctioneer, or the same as you would license a pawn shop. The business of a pawn shop is lawful, but we say we want to put a license on you and your business so you will not hereafter do an unlawful thing. You don't license an unlawful thing, you put it on a basis to prevent him from doing an unlawful thing. You put a license on the saloon for the benefit of those people who can do right in conformity to the law and to prevent all others from doing evil, and the strong arm of the law is put upon that man and when he takes the license he must agree to comply with the law. He is not supposed to have minors in his place of business; he is not supposed to sell drinks to people in the habit of becoming

intoxicated; he is not supposed to violate any law. He is supposed to deal with a class of men only who can handle those things without evil. His license is for that purpose. I am not so much in sympathy with a fellow who gets drunk. I am not much in sympathy with a fellow who has a cultivated appetite. Some are criminals and deliberately get drunk. They do it deliberately, and they should be put in the thumbscrews, they should be touched with a hot iron to bring them back to life and manhood. I don't think sympathy will redeem them. Their frames should be nearly crushed to wake them up, to bring them back to their senses, so that they will know they have put themselves in a bad class with criminals. That is where some of them are no matter how much you waste your sympathy on them. About thirty years ago I was elected mayor of a little town of twenty-five hundred population. It was the center of a trade of about ten thousand people. They were a prosperous and thrifty German people, and we had ten or twelve saloons. Before I was elected mayor they were fighting in the saloons and upon the street. There were few regulations. The first thing I did was to find a way to railroad the drunkard to the workhouse, and I showed him at once that I had no sympathy for him, that he could not breathe his breath into my face and have my sympathy; and before I left that office there were no drunkards in that village. They were reformed, because they found out they couldn't get any sympathy and if they got drunk they would go to the workhouse. All through life you find a lot of weak-spined fellows; they fail in business, are disappointed in love, or something else goes wrong, and they haven't backbone enough to stand up and they give up and go to drinking. I have no sympathy for such people. Punish them as criminals for their criminal conduct. Put around the saloons regulatory laws so that you will only have a few people capable of handling the business, and when you get people in the business who are compelled to do right it makes no difference how many saloons there are, let them divide such business. Make them do right, and if they want to divide the profits let them do it, but let them know they can't have around their business places unsuitable persons and that they must do business fair and square.

Now there was a time when the people issued the Declaration of Independence, and while I am not able to quote the words exactly, the first declaration was, "That we hold these truths to be self-evident, that all men are created equal, that all men are endowed with certain inalienable rights, among these being life, liberty and the pursuit of happiness." These truths are self-evident, they need no proof, they existed in the common law, in the unwritten law before the constitution was formed, and they will exist after this constitution is made. It says that we are by the Creator endowed with these. We didn't receive those rights from any government, we received them direct from our Creator. It says that they are inalienable rights, rights that cannot be transferred and rights that no one can take from us. The supreme court of the United States has said upon more than one occasion that the Declaration of Independence is the spirit and thought that controls the organic law of this nation, and then in the constitution it is written you cannot take property from a man without due process of law

## Traffic in Intoxicating Liquors.

and it is to be read in keeping with the Declaration of Independence; that is the thought and the spirit of the organic law.

Now, if we have such a thing as business, and under the constitution and the Declaration of Independence, we may have, any man has the right to the pursuit of his happiness and to carry on a business; he has the right to carry on any business or any occupation or any trade that he may see fit to follow for his livelihood, so long as he does nothing to injure the public welfare. If you pass this proposal with this condition in it that there shall be only one saloon to every thousand people, suppose in a community where there are a thousand people that there are five or ten men who have equal qualifications to transact and prosecute this business. All right. Don't you destroy their property rights by saying that only one of those men can follow that business? I say to you that such a provision in your constitution is void. You could not apply such a provision to any other trade or occupation. You have no right to put it there, and if you put it there it is worthless. You do have the right to say in the state of Ohio that you shall not do this particular kind of business in this township or this municipality or in the whole state. There you treat everybody alike, but when you allow the business to be carried on in some political subdivision of your state you have not the right to take property rights from several people and give them to one. So I do not believe that provision would be held to be a good provision if placed in your constitution.

Now there being no question of prohibition before this Convention, it being a simple question of whether or not we will so regulate the liquor traffic as to prevent the evils resulting from it—and there are many in it—if you are acting in good faith, mean what you say, if you do not present objections to the theory, if you do not want to stand idly by and place yourself on the high moral pedestal that you will not temporize with evil—if you want to come off the pedestal and be human, and have a few of the common things in you, and will try to meet this as a business proposition, you will say the right thing to do with this business, as long as you cannot enforce state-wide prohibition, is to have a license law that will control it—that is the King proposal; but if you submit a license law like the Winn proposal it will be defeated by half of the liquor people and all of the dry people voting against it. Put in something that is constitutional, something that is reasonable, and don't put in the constitution so many conditions and restrictions on the men who have a right to transact the business, or restrictions upon the business after the doors are opened, such restrictions that the business will be transacted by only a certain few. Then it will carry at the polls and it won't make any difference to you how many saloons are operated thereafter, as they must be regulated. Their business will be confined to a few with whom they have a right to transact that business. I believe that the dry people should be willing to forego some of their extreme measures in this matter and be willing to take a step in the right direction to regulate the business. And they have no right to say, and it is unfair to say, that this is an unrestricted license law. It is just as much restricted as it is possible to be in a constitutional provision. You expect under the restrictions in the li-

cense law that your legislature will pass to regulate the saloon. And I hope they will pass many regulatory laws that will elevate the business, that the saloon may cease to produce paupers and criminals, that most or all of the evils resulting from intemperance may certainly be wiped from the business. In conclusion, I have perhaps been censured as much as any delegate in this Convention, coming from the county that I come from, for taking a position in favor of the license law. They may censure me as much as they please. What I say I believe in, and I am for a license law that will stand the tests of the courts, and then I am in favor of all the regulations you can put upon it. I do not believe that any disreputable person has any right to deal in this kind of goods, but I believe there are men here and there who can handle these goods without evil being in it. I am not so sentimental as that, and I hope that instead of the dry people taking the position they have done in years gone by, that they would not temporize with the saloon, because it was evil, saying that the money derived from it was blood money, that they will consider that they are not licensing evil by putting a license on this traffic, that they are not responsible for what happens thereafter, but the license is put there to prevent the evil and meet the people half way. In that way we can get some regulatory laws upon the books of the state that will wipe out a lot of bad saloons and the evil that is being done. Don't sit supinely by from the cradle to the grave. Wake up and be human; face the conditions as they are and vote for something that has a chance of being passed. I believe the second proposal would not have a ghost of a chance of passing. I do not believe you could get one hundred dry people to vote for it and you wouldn't get half of the liquor people. I don't believe you could get twenty per cent of the dry people to vote for either proposal, and certainly the elements in the liquor trade that we are trying to get rid of wouldn't vote for the Winn proposal.

Mr. ANDERSON: Do I understand that the only objection you have to the restrictions of a license clause in the constitution is that it may interfere with the passing of the constitution at the election?

Mr. REDINGTON: Not only that; but I would be diplomatic. I would not ask the people I am trying to put out of business to help me pass the law.

Mr. ANDERSON: In other words, you mean to fool the riffraff, the penitentiary birds who would be put out of business by the provisions of the clause?

Mr. REDINGTON: Yes; if I am to deceive anybody I do not scruple about deceiving that kind of people, but I say to you that I am not going to do that. The King proposal speaks for itself, and I don't believe there would be any activity on the part of that kind of people against it unless the dry people stirred them up, but if somebody is to be deceived, let us deceive the class you mention and put them out of business.

Mr. ANDERSON: One other question: The men who would vote against it if it contained restrictions are the men that those restrictions would put out of business? Is that your idea?

Mr. REDINGTON: Yes.

Mr. ANDERSON: And under the King proposal any man in the business, no matter how reputable or disreputable, would believe that that would let him stay?

## Traffic in Intoxicating Liquors.

Mr. REDINGTON: You are asking questions and answering them yourself. To that question I will say partly yes and partly no. I believe when we can go out before the people and say we have a proposal here under which, if you put it in the constitution, we can regulate the evils resulting from intemperance, a majority of the saloonkeepers and a majority of the honest people in the state of Ohio who are not in the business would go to the polls and vote for it. Then we would have a good chance to get a license law. There may be a few disreputable people in the saloon business who will vote against it, but enough people will vote for such a proposal to give it a chance of passing. That is my judgment.

Mr. EVANS: I disagree very strongly with the King proposal and also disagree with the minority amendment.

If I have learned anything from my study of organic law it is that the powers of the legislature shall be untrammelled. Of course this comes under the legislative power, and one branch of the legislative power is the police power. Now, I am utterly opposed to any limitations on the police power. I think it is absolutely necessary that it be unlimited. The legislative power in our constitution is unlimited except in one or two particulars. Where it is stated in article II, section 1, it is unlimited, and it was very fortunate that after that was made a part of the constitution section 2 of article XII was inserted. It is one of the great calamities to the state of Ohio because it is a limitation on the taxing power. Now when we come to look at this section, no license shall be permitted in the state of Ohio, that is really a limitation on the police power and for that reason should never have been found in the constitution and I attribute to that section alone, taking it altogether, all the evils, all the disturbance and all the agitation that we now have on the subject.

We have forty-eight states in this Union and every one of them has a constitution, and in nineteen states out of the forty-eight the liquor question is mentioned and in twenty-nine it is not. Now I would like to see the state of Ohio line up with the twenty-nine. If twenty-nine out of forty-eight can get along without any provisions about the liquor traffic in their constitutions, why can we not? That is what I think about it. This agitation on the liquor question began in Ohio in 1830. I can remember the history of it, though I was born twelve years after that date. It began among the farmers. Up to 1830 the farmers always had plenty of jugs of whisky in harvest time. Whisky was free. You have heard the saying "Whisky is as free as it is in harvest." The clergy began to agitate the question that whisky should be dispensed with during harvest time and that agitation has kept up ever since.

Now in Ohio up to 1851, on the first day of September, the legislature of Ohio was free to deal with the liquor traffic in any manner it saw fit, but on that day the new constitution became effective and here is the clause they inserted: "No license to traffic in intoxicating liquors shall hereafter be granted in this state, but the general assembly may by law provide against the evils resulting therefrom." The first part of that clause is objectionable because it is a limitation on the police power of the state, and the second part of the clause is objectionable because it is not necessary for this body as

a constituent assembly, in preparing a constitution, to say that the legislature shall have this power or that power or the other power. Under the theory of our state government the legislature has all the power it needs or requires, and the great objection is to limiting or qualifying its powers. And the very minute you attempt to qualify the great powers of the state you are making trouble in the future. I believe that the people now living in this country have the right to live according to their own theories and their own ideas, and I do not believe that we ought to live according to the provisions of the last will and testament of the men of 1851, and for that reason, because I am in favor of a constitution that is strictly in accordance with the teachings of political science, I am opposed to any restrictions in the organic law on this subject.

Many people seem to think it is absolutely necessary. It is not necessary. Take the people of Great Britain. Read the history of that country. It is the most powerful country in the world, the most intelligent. If they want a measure passed they can pass it. They can have anything they want. Why? Because they don't have any constitution. They have only a declaration of rights, and if they want anything parliament simply passes a law and they have it. I tell you it makes a state or a country conservative to have responsibility. Let the state of Ohio through its legislature, or through that wonderful instrument called the initiative and referendum, if you please, have control of this matter, and it will be better handled than through any organic provisions you can think of to insert. God created every man to use his own judgment, and I think men should use their own judgment in the aggregate just as well as individually.

It was declared by a resolution which was introduced and passed in this body the other day, that it was all right and regular and proper to caucus. So I decided to caucus, and I have caucused with myself and I have come to a conclusion which I intend to give to you. I always did have a good deal of confidence in my own judgment. It has become a habit with me. So I am going to tell you what I think about this. I say to you that if this provision of 1851 had been made to encourage the liquor traffic it could not have been more successful. For thirty-five years after the constitution of 1851 was adopted the liquor traffic was untaxed in Ohio. What do you think of that? But they say that the chairs and the tables and the fixtures and the stock were taxed. What did that amount to? You cannot reach that kind of a man by an ad valorem tax. Now suppose the people of the state of Ohio had agreed that the liquor traffic should be untaxed for thirty-five years. Well, they did it. How did this law come to pass? I am a strictly temperance man. I believe in a man's abstaining from liquor and I wish we were all prohibitionists, and when I say prohibitionists I include tobacco with whisky. I believe it the duty of every man to conserve his energy, his physical faculties and his mental faculties, and I say to you in all earnestness you cannot do it unless you abstain from liquor and tobacco. I am always proud to meet a man who has will enough to put both of those habits behind him.

In 1851 when this came to be voted upon, my temperance friends of that time were deceived and they voted for this proposition, thinking if they put the seal

## Traffic in Intoxicating Liquors.

of their condemnation on license the liquor traffic would not be carried on. There were about ten per cent of the liquor people who voted for it, because they knew it meant unlimited license, and it has meant that ever since. That is the situation, and how are we going to meet it? My idea is we ought to meet it just as it comes up. We ought to leave it in the hands of the people. Look at the situation. There is only one business in all the state coming up and asking for constitutional privileges or vested rights. It is the liquor business. They come up and say we are not content to run the gauntlet of the legislature year in and year out, but we must have our rights guaranteed in the constitution. What other business is there demanding anything of that sort of this Convention? Now I say I am not willing to give constitutional rights or any vested rights to the conduct of this traffic. I say let us leave it to the legislature from session to session. I say let us not attempt to control future generations by anything that we insert in this organic law.

Now I say to you that the liquor traffic today is a monopoly, a rich man's monopoly, and are you going to provide for its continuance? When a man wants to engage in the saloon business and comes to the state of Ohio, what does the state say? "You cannot engage in this business unless you plank down \$1,000 to us." He has to pay for the privilege of going into the business. Department stores don't have to do that. Groceries don't. There is not a business in the state except the liquor business that has to do that. Why should that be the case? And I want to say the higher the license the more of a monopoly, and what is the result of it? The result of it is that it creates trusts. Eighty per cent of the men engaged in the business today are combined. You say there must be free trade in liquor. Anybody who can raise \$1,000 can come up and buy the privilege to engage in it. That is not a proper method. We are not here to create monopoly. There are gentlemen in this Convention who are in favor of ad valorem taxation. I am credibly informed that there are men in this Convention who believe in taxing everything exactly alike, and they favor the retention of the uniform rule, and yet there are some of those very men who are in favor of a tax levy of \$1,000 or \$2,500 on the liquor traffic. That is not consistent. You don't ask a man what he is worth or what he will make when he goes into the business; you say give us \$1,000. I say you create a monopoly, and I say it is beneath the dignity of this Convention to insert any provision in our proposed constitution which will have the effect of creating, maintaining or keeping up a monopoly in the most odious business in the state. This is the way I feel about it. I want to tell you another thing; it requires more capital in this business than in any other business I know of. I say to you that there is not a saloon keeper in the state of Ohio who can rent a place for a saloon for less than \$600 a year. I don't care if the business room rents for half that amount for any other purpose, he cannot rent it for less than \$600 a year because there are certain liabilities incident to the conduct of the business and landlords must have money to take the risk. I say no man can go into the business in Ohio without a cash capital of at least \$10,000. He has to pay the Dow tax and the internal revenue tax and he

has to put up handsome fixtures in his saloon, etc. I say to you to-day that no man can properly engage in the business in Ohio possibly on a less capital than \$10,000. When you run out the figures you will find that there are \$100,000,000 of capital invested in this business in Ohio. Here we are under a constitution which forbids license and yet we have license. But it is so constructed that nobody can engage in the business practically but the brewery trust. It controls the whole thing. Now I say to you I am not in favor of submitting any proposition on the subject of license to the people. I am for leaving the constitution open on the subject, and I say to you that if you insert any one of these propositions, the King proposal or the minority proposal, and submit it to the people it will be voted down and the constitution will be voted down with it. No matter if we prepare one of the best constitutions ever presented in this country it will be voted down. I wish to be consistent all around and I am in favor of submitting nothing but the constitution alone, and I expect to vote on this floor against the submitting of any separate propositions, no matter what they are. However, I reserve the right if you submit this King proposal to submit along side of it a proposal for prohibition, but at the same time that is contrary to my best sentiments. I don't think we should submit any.

Up in Michigan, which last held a constitutional convention, they concluded not to submit any separate questions. They merely submitted the constitution and the constitution was adopted by 240,000 votes in its favor to 130,000 against. I don't give you the odd number. I say that we want our work to be approved by the people and we should bend our efforts toward that end. Now there is a great deal of consistency among the wets that I would be happy to hear explained during the further discussion of this proposition. I have heard a great many gentlemen who are in favor of license, and I have the utmost confidence in their sincerity, say they are in favor of the Pennsylvania plan. Now there was not a word in the constitution of Pennsylvania of 1873 about the liquor traffic and yet they seem to get along pleasantly. They are not having a vote in county after county every few days on the local option question. Somehow or another they are getting along pleasantly, but I still understand that the traffic there is a great and odious monopoly, and I understand that thousands and thousands of dollars and big fortunes are made out of it. I have heard a great deal as to the Pennsylvania system among the men favoring license. If you think that works well, if you think that is a good proposition, leave the constitution of Ohio just as the constitution of Pennsylvania of 1873 is. Leave it without a word about this liquor traffic. Now, gentlemen, I thank you very much indeed for your attention in this matter. I did not go into details. Judge King has told you, though he is on the opposite side from me, some facts which I had intended to tell you as to the operation of the no-license clause and giving the history of the traffic in this state, but I am merely going to read to you something to think about, just one proposition and then I shall yield the floor.

Mr. BOWDLE: May I ask a question? You are aware of the position taken on this floor that were it not for what is said in the present constitution the

## Traffic in Intoxicating Liquors.

present regulatory laws would fall to the ground. Do you agree with that?

Mr. EVANS: I think the present provision should be dropped out. I have always thought so.

Mr. BOWDLE: Do you think that the dropping out of the present provision would affect the present regulatory law on the statute books?

Mr. EVANS: No, sir; I do not at all. I am sorry to say I differ with many of my associates on the temperance question on that.

Mr. BOWDLE: I have observed as you proceeded that you seemed to have confided in the legislature. I am right about that, am I?

Mr. EVANS: Yes, sir.

Mr. BOWDLE: You think the wisdom that elected us may continue?

Mr. EVANS: I think we must trust the legislature.

Mr. ANDERSON: If the King proposal becomes the organic law of Ohio, then would not you think it was necessary to keep in the constitution that part of the constitution of 1851 upon which all of the regulatory temperance laws now on the statute books are predicated?

Mr. EVANS: Yes; I think that if you adopt the King proposal and will put the Anderson proposal at the bottom of it it will be all we need. Still I am not in favor of the King proposal; but the qualification of the Anderson proposal is preferable, in my judgment.

Mr. PECK: Why not stick to your knitting and knock them all out?

Mr. EVANS: I prefer to do that. That is my first proposition, but sometimes a man can't have his own way and he has to put up with somebody else's way. Now I just want to read this proposition. I am not going to offer it now, but I ask you to consider it as part of my remarks and sleep on it and see what you think about it in a day or two from now:

Every city, village, county or township is authorized to regulate, restrain, prohibit, control, license or tax the liquor traffic in any manner it deems proper, subject to the rights enumerated in this constitution. County action hereunder shall exclude township action.

I believe that would be better than either of these actions contemplated, and if you wish to give the cities and municipalities the right of self-control it is absolutely essential that that shall go in, because the legislature has that power now and if the framers of this as a body want to confer it on the cities and municipalities such a provision as that should be inserted. I do not recommend it, but I simply ask you to consider whether it would not be a better proposition than either of those before the house.

Mr. ELSON: You spoke of county option excluding the township?

Mr. EVANS: Yes.

Mr. ELSON: Do you mean that county option should exclude the city also?

Mr. EVANS: No, sir; I think that cities and villages ought to have control of their own affairs. I do not think counties should be made the unit as in Kentucky.

Mr. ANDERSON: If the King proposal were

adopted where the language is used that this shall apply throughout the state, that would be an organic law of a general nature would it not, and therefore municipalities could not have home rule in license or in restraining the liquor traffic?

Mr. EVANS: I very much apprehend that the King proposal would be so construed. I look for it to be construed that way.

Mr. BOWDLE: You are too good a lawyer, Judge—

Mr. ANDERSON: Is that a question?

The PRESIDENT PRO TEM: The member will ask questions and not state facts.

Mr. BOWDLE: It is so obvious that it should not have been stated. Now I am under some misapprehension—

The PRESIDENT PRO TEM: That is a fact, too. Please omit the facts.

Mr. BOWDLE: Do you not know that in the cases mentioned by Mr. Anderson involving the Scott law and the Pond law the supreme court rested the decision in those cases upon the general police power rather than upon the power given in the constitution?

Mr. EVANS: I don't think that was necessary. That power was not there at all.

Mr. ANDERSON: Is it not a fact that the Scott law and the Pond law were both declared unconstitutional because they sounded in license and the constitution prohibit it, and is it not a fact that they didn't have anything at all to do with the police power?

The PRESIDENT PRO TEM: Members will ask questions and not inject remarks in Mr. Evans' speech.

Mr. PIERCE: If I understand you, you are for referring the whole question to the legislature?

Mr. EVANS: Yes.

Mr. PIERCE: Don't you think that it would be a wise thing to get liquor out of politics?

Mr. EVANS: I don't think you can get it out. I think you will get it in more than you want. I am not in favor of lawyers paying \$1,000 for the privilege of practicing law, or doctors \$1,000 to practice medicine, or of any man going into business paying a fee of that kind. I think we have not yet found the correct remedy. I have been begging some of my young friends in this Convention to introduce some proposal which would act like oil on the water, so as to get the two sets of people to come together, but so far they have not responded to my appeal.

Mr. STAMM: You no doubt saw this morning in the newspapers that Sandusky county, the county I represent, has gone wet by a majority of 1004. Three years ago it slipped into the dry column by about 515 majority. As the world moves by rhythm it was also caught by one of those hysterical waves which swept the country at that time. Great promises were made before the election. In my mind's eye I could see a stately Young Men's Christian Association building, a few new banks with swollen treasuries, the storekeepers near the verge of physical exhaustion from unremitting attention to their customers. It was soon noticeable, however, that people thought it more attractive to go to other places where there was a varied selection and unrestricted sale of wet and dry goods. It was stated in this house by an active dry leader, when the Dean bill was up before the legislature, that bank deposits had very much increased under the benefi-

## Traffic in Intoxicating Liquors.

cient influence of the Rose law in our county, but he did not say that it might have been due to the fact that he could not unload any more of his mining stock upon the unsuspecting public. It was estimated that about \$200,000 left our county through that channel to swell treasuries or pockets in some other places.

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

Mr. STAMM: I do not like to have my classical oration rudely interrupted right now. You can do it at the end.

I saw an eminent man yesterday reading a speech partly from manuscript, so you will allow me to go to manuscript occasionally.

Instead of seeing such an increase in business I could see more drunken people and a lot more hypocrites than I did before. People began to sober up from their millennial ideas; they could see that instead of having about forty-five saloons paying about \$45,000 into the treasury a greater number of places sold the vilest stuff under euphonious and attractive names; that out of harmless beer drinkers they made a small army carrying their whisky bottles in the hip pocket. They began to recognize that regeneration of the human race is a mighty slow process, and as an evidence that the moral standard had not reached highwater mark under the Rose law they had to call in an evangelist of no mean persuasive power on the eve of last fall's election. There were three candidates in the field for constitutional delegate. We all were considered progressive, that is we all were in favor of the I. and R. One sailed under the dry flag, but some papers had it that he was not dry enough for the dries and that I was not wet enough for the wets. The third one was said to be thoroughly wet and that at times he complained of being very dry. They knew that I was not a coward or a hypocrite, that if I wanted to drink a glass of beer I would not hesitate to do it openly. But they also knew that I could make a distinction between drinking and being drunk, between the use of a thing and its abuse. They knew that I was for order and decency and especially friendly to a license system which might have a tendency to curb or eradicate the most obnoxious and dangerous features of the liquor traffic to a practicable degree. They knew that if a man had a boil on his nose I would not cut off his nose to cure it.

And they even heard me sometimes say that kissing was a very dangerous practice, that many diseases had followed a kiss, that even mothers have pressed the seal of death on the lips of their beloved children, and that it did not produce any real economic value. If we ever get women suffragists in this country, I hope there will be a clause in the corrupt practice act that no candidate will be allowed to kiss a constituent of the other side.

I never tried to forcibly impress my ideas upon the public, as I have too high a regard for individual thought and action, but as the vote of yesterday runs somewhat parallel with the result of my own election I take it that the majority of our people think as I do, that prohibition in a naturally wet county or even state-wide prohibition, even in a dry state like Maine, is far from being a success, and that extremists on either side of the drink question will never solve it. We have laws enough on our statute books to make angels or saints of all of us. But as the saints are all dead we have to look for these ideal

conditions in graveyards. I confess I do not like to go back to the conditions as we had them before the experiment of the Rose law, but I look forward, with the majority of our voters, to measures to give us better control over this vexatious and troublesome question, and I do not care whether you call it the King proposal or any proposal. Should you decide to banish the saloon do not forget the moral obligation to put something better in its place.

Mr. ANDERSON: Has it not been your observation that the worst curse to the saloon business in Ohio is the brewery-owned saloon?

Mr. STAMM: Yes; at least one of the worst.

Mr. ANDERSON: Are you in favor of eliminating that if it can be done?

Mr. STAMM: Yes.

Mr. CUNNINGHAM: I want to state my position in this matter. I can not say that I am in favor of license. I am opposed to it in any form. It looks to me that the only object of the license clause is to make the saloon business more respectable. I don't think the saloon keeper expects if this proposal is adopted that he will have any more rights than he has now, but he believes his business will be more respectable. I do not believe the sale of liquor is as creditable as any other business, and I am not in favor of a license which makes it or attempts to make it so. It is not now so regarded; if it has been in the past it is not now so regarded, and I take it that it will never be in the future.

But if we are to change the constitution of the state and the status of the business by license provision, it should be surrounded by all possible safeguards. Proposal No. 4 does not provide such safeguards. I prefer the substitute of the minority of the committee for the very good reason, as I think, it better preserves the existing restrictions that now surround the business.

It is true that the King proposal, favored by a majority of the Liquor Traffic committee, undertakes to preserve local option in certain territory which is already dry or that may become dry, specifying four limitations of dry territory, but these fail to cover all the territory now dry. The King proposal in lines 13 to 16 provides as follows:

That where the traffic is prohibited 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 said traffic shall by law be operative therein.

The lines 20, 21 and 22 of the King proposal contain the following provision:

Nor shall any law be valid which has the effect of defeating or negating directly or indirectly the regulation of the traffic by the license system herein provided for.

These lines absolutely render null and void all laws limiting, prohibiting or controlling the traffic in all other territory not covered by the four divisions of dry territory covered in line 14. It is possible the courts may hold that this provision does interfere with local option even in the four divisions specified in lines 14 and 15,

## Traffic in Intoxicating Liquors—Commemorative of the Birth of Washington.

but I do not propose to argue the point at this time, but I wish to call attention of the Convention to laws providing very many limitations and prohibitions of vital interest and importance that it does make null and void, to-wit, sections 13,200, 13,206, 13,208 and 13,210 of the statutes of Ohio, which I do not intend to read. I do insist that this Convention shall keep faith with the old soldier as pledged by the martyr Lincoln in his immortal speech on the field of Gettysburg. To show how it takes away the safeguard thrown around these wards of the nation in their old age and weakness I call attention to sections 13,202 and 13,203 of the statutes of Ohio:

Section 13,202. Whoever sells or gives away ale, beer, wine, cider or other intoxicating liquor within one mile of the boundary line of lands occupied by a home, retreat, or asylum for disabled volunteer soldiers, or soldiers and sailors, established by this state shall be fined not less than twenty-five dollars nor more than one hundred dollars and imprisoned not more than thirty days. On conviction of the owner or keeper thereof, the place wherein such intoxicating liquor was sold or given away shall be abated as a nuisance within ten days thereafter by order of the court wherein such conviction was had.

Section 13,203: Whoever sells or gives away ale, beer, wine, cider or other intoxicating liquor within one and one-half miles of the boundary line of lands occupied by a home, retreat or asylum for disabled volunteer soldiers, or soldiers and sailors, established by the United States, shall be fined not less than thirty-five dollars nor more than one hundred dollars and imprisoned thirty days.

You will see that by lines 20, 21 and 23 of Proposal No. 4 all the safeguards provided by the two sections of existing statutes which I have just read are swept away. Lines 20, 21 and 22 provide as follows:

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.

These statutes in no way come within the four local option territories provided for in lines 13 to 16, but all these laws to which I have called attention are abrogated and rendered void by the provisions contained in said lines 20, 21 and 22.

I know I would be derelict in my duty to my old comrades should I fail to make a vigorous protest against this vicious measure in the shape it is now in.

Among the thousands of old soldiers whose safeguards are thus swept away are many who participated in the glorious campaigns that drove Lee out of Maryland in 1862, and out of Pennsylvania in 1863 on the 4th of July—a day rendered thrice glorious by the Declaration of Independence and by the victories of Gettysburg and Vicksburg—some were at the surrender of Ft. Donaldson, many fought with Hooker above the clouds or in the charge on Missionary Ridge, and on many other battle fields of the war, but all went forward as one man, Lincoln's emancipation proclamation in one hand and a

musket in the other and thereby secured liberty to 3,000,000 slaves in the South and emancipated their masters from a worse slavery as well, thereby giving new life to the republic and making us a nation in truth and in fact, which we never were before. That we are a free and a wonderfully prosperous nation of 90,000,000 of people is due to them, and but for them and their comrades we, gentlemen of this Convention, would not be here today, but would be doing picket duty on the banks of the Ohio river.

These old soldiers are truly and deservedly wards of the nation and of the state of Ohio as well. They have been unfortunate in life; they now have no wives; no children living; no friends to look after their social or physical welfare; wounds, misfortune, disease and old age have impaired to some extent their faculties and weakened their will power, rendering them not so able to resist temptation as they have been. Therefore this, the most potent of all temptation, should be moved farther away and not brought up to their very door, as provided in the King proposal, which, if it is put in force, will do them the greatest possible injury and injustice.

Mr. KING: I move that the further consideration of this matter be postponed until one minute after recess this afternoon.

The motion was carried.

The PRESIDENT PRO TEM: We have now reached the time which is set aside for services in commemoration of the father of our country. We will now be led in the singing of "America" by the delegate from Meigs [Mr. STEWART].

The entire Convention joined in the singing of "America."

The PRESIDENT PRO TEM: he next will be an address by the member from Franklin [Mr. KNIGHT].

Mr. KNIGHT: Fellow Delegates to the Fourth Constitutional Convention of Ohio: This day gives us opportunity to pause for a moment, to go back, as it were, to the beginning of some of the great things in our history. The name of Washington is one which to the most of us—all of us in fact—brings every time it is uttered a thought which ought to be with us more frequently in our every-day life. But today and here there seems to be a special appropriateness in recurring to some of the events in the life of the greatest American. We do not often pause to recall that nearly fifty years of Washington's life was spent in some public capacity or other. From 1749 until 1797, when he retired from the presidential chair, with the exception of a little less than five years, Washington was continuously in public life in one or another official capacity. In fact, the first and greatest American, he holds almost a record among Americans for continuous public service; and yet amid all the varied public positions which he occupied it is in two of the capacities that we most frequently think of him—as soldier and general, and as president. But he was not less great, perhaps even greater, in the third capacity which it is especially appropriate that we today call to mind in this gathering. It was just a century and a quarter ago this present year that Washington served in a capacity in which and because of which he is entitled to fully as much honor and gratitude from all those who have lived since in this country and in this world as for his services in other capacities. And so for a few minutes I invite

## Commemorative of the Birth of Washington.

your attention to Washington the constitution maker, to his part in bringing about the constitutional convention of 1787 and in framing the document which emanated from that convention, which is the greatest constitution ever yet made even though we at times fall into a pessimistic vein and think that it might have been better done—his part in that capacity, and in those places in connection with that work, is second to no other service which he rendered the country.

Upon his retirement as commander in chief of the army he went to his home in Mt. Vernon, and from that day until the constitution of the United States was ratified by the necessary number of states to make it the constitution of the people of this country, there was hardly a day that he did not render some service, or take some step, towards bringing about a better union than that which was in existence in 1784. The condition of the country at that time was deplorable, industrially, financially and politically. The articles of confederation, sometimes called our first constitution, was the weakest constitution which any modern civilized democratic state or nation has ever had. It was weak in that it conferred no powers worthy of mentioning upon the congress. It was weak in that it had not the respect of the people. It was weak, may one venture to say in passing, because—perhaps not because, possibly it may have been a coincidence—that under that form of government under the articles of confederation each state had the right, and some of them exercised it, to recall at pleasure their legislative officials—their law makers—and not until within our time has that experiment been repeated among the American states.

It was at the home of Washington at Mt. Vernon, in March, 1785, that almost the first step was taken which culminated in the summoning of the constitutional convention at Philadelphia two years later. There had been serious controversies between the states of Maryland and Virginia over the navigation of the Potomac river, the dividing river between the two states, and at Washington's suggestion a conference was held in Mt. Vernon of representatives or delegates from those two states to see if something might not be done in the way of getting joint or co-operative action. And those two states then joined in the passage of a compact on this subject for the peaceful and better settlement of the commercial use of the Potomac river. Yet the most important matter suggested by Washington himself was the summoning of a convention of delegates from all the states to meet at Annapolis in the year following, and that convention, urged in private letters, urged in public speeches, urged at every opportunity, in season and almost out of season, by Washington—the Annapolis convention led to the Philadelphia convention in 1787. Even earlier than that the circular letter which Washington addressed to the governors of the various states at the time of his retirement from the army, contained among four suggestions the following, which is at the basis really of the spirit which culminated in the summoning of the convention at Philadelphia. He says: "The prevalence of that pacific and friendly disposition among the people of the United States which will induce them to forget their local prejudice must be encouraged. They must be encouraged further to make those mutual concessions which are requisite to the general prosperity and

in some instances to sacrifice their individual advantages to the interest of the community."

In many private letters from 1783 to 1787 we find him urging a movement for better union which culminated in the convention of 1787. Just how much he accomplished we can not know, but it is safe to say, following the language of an eminent writer, that it is to Washington, aided first by Hamilton and then by Madison, that we owe the development of public opinion and the formation of the party which devised and carried the constitution.

After the convention, largely due to the efforts of Washington, was agreed upon, and delegates were to be selected from the various states, Washington reluctantly consented to become a delegate from his own state, Virginia.

Arriving on time, as he always did to an appointed task, he found that the dilatory habits of the congress of the federation were so persistent that some days after the day for meeting elapsed before there was a quorum present. Informal conferences were held among the delegates and it was at one of these, if we may accept the statement of Gouverneur Morris, another delegate at that convention, that Washington said: "It is too probable that no plan we propose will be adopted. If, however, to please the people, we offer what we ourselves disapprove of, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair." While these words were apparently addressed only to the then existing conditions, yet, like many other statements of Washington, they have universal application at all times; and at no time more than the time in which we are living and in connection with the work to which we are ourselves at present devoting our efforts.

When the convention finally assembled Washington was chosen unanimously as president of that body. Though he appointed no single committee during the entire life of the convention, and is recorded as having spoken but once in the debate, his influence was of the highest. During that convention there were darker days than have been seen in any constitutional convention since. At times it looked as if the body must adjourn without having adopted a single proposal. We can never do exact justice to the iron will which held men together in that convention, when all compromises seemed impossible, and which even in the darkest hour would not wholly despair, and without the influence and labor of Washington the constitutional convention of 1787, in all probability, would have failed of success and after the convention for a year and half, in which the country was in a greater political turmoil than it has ever been since over the question of ratification or non-ratification of a constitution, Washington was as busy in its behalf as he had been in other matters in the busiest days of the army, or as he was later in the busiest days and most troublesome moments of his presidential career. We have records of letters almost innumerable which he wrote, not simply to his fellow Virginians, but to people in various states of the Union urging and coaxing and persuading to obtain their approval of the work of that constitutional convention. His strong personal influence was everywhere and in all forms exerted in behalf of the constitution, and it must be remembered that at that time there were no hundred men who combined had the personal influence Washington had in shaping the views and in winning the approval of

## Commemorative of the Birth of Washington.

America to that which he himself approved. I agree fully with a learned writer who said: "The personal influence of Washington in securing the meeting of the constitutional convention, in directing its deliberations and in commending the new constitution of the people was the greatest and most determining influence in the most critical period."

And now in conclusion may I quote from a letter of his, written about two months after the convention adjourned, to Bushrod Washington, later one of the justices of the supreme court of the United States, which letter not only shows the calm, forceful judgment of Washington in the face of the crisis to his country, but contains some profound philosophy which we of this day and Americans of all days may well take to themselves the right:

The warmest friends and the best supporters the constitution has do not contend that it is free from imperfection; but they found them unavoidable, and are sensible, if evil is likely to arise therefrom, the remedy must come hereafter; for in the present moment it is not to be obtained; and, as there is a constitutional door open for it, I think the people (for it is with them to judge) can, as they will have the advantage of experience on their side, decide with as much propriety on the alterations and amendments which are necessary as ourselves. I do not think we are more inspired, have more wisdom, or possess more virtue, than those who will come after us.

The power under the constitution will always be in the people. It is intrusted for certain defined purposes, and for a certain limited period, to representatives of their own choosing; and, whenever it is executed contrary to their interest, or not agreeable to their wishes, their servants can and undoubtedly will be recalled. It is agreed on all hands that no government can be well administered without powers; yet the instant these are delegated, although those who are intrusted with the administration are no more than the creatures of the people, act as it were but for a day, and are amenable for every false step they take, they are, from the moment they receive it, set down as tyrants; their natures, they would conceive from this, immediately changed, and that they can have no other disposition than to oppress. Of these things, in a government constituted and guarded as ours is, I have no idea; and do firmly believe, that, whilst many ostensible reasons are assigned to prevent the adoption of it, the real ones are concealed behind the curtains, because they are not of a nature to appear in open day. I believe further, supposing them pure, that as great evils result from too great jealousy as from want of it. We need look, I think, no further for the proof of this than to the constitutions of some, if not all, of these states. No man is a warmer advocate for proper restraints and wholesome checks in every department of government, than I am; but I never have yet been able to discover the propriety of placing it absolutely out of the power of men to render essential services, because a possibility remains of their doing ill.

The PRESIDENT PRO TEM: The next address will be by the member from Scioto [Mr. EVANS].

Mr. EVANS: George Washington was undoubtedly the greatest citizen this county has ever produced or ever will produce. No other citizen ever has been so cherished in the hearts of the people. There are some facts in his history which we wish to recall and comment upon at this 180th anniversary of his birth.

First of all we must remember that he was the president of the first and only federal constitutional convention held in this country; that he presided with the greatest dignity and impartiality over the members and that he never took the floor except when he presented the sixth article of the constitution, and that it passed at his suggestion without opposition. That convention was in session but eighty-four days and had it not sat with doors closed to the public, or had Thomas Jefferson not been out of the country during its sessions, it would never have been adopted. General Washington, with every member of that convention, was in favor of an independent judiciary, and to secure it judges were appointed for life.

The system of electing judges began in 1798 with Georgia, which is not an example for any state. She now selects all her judges by the legislature.

In speaking of General Washington, I should like to say something that has never been said before and something that may be new to my hearers. General Washington was outwardly and to all the world a Virginian, but in all reality he had the qualities of a New England yankee, or of that superior class we now have with us from the Western Reserve of Ohio.

On the traditional history of General Washington the late Beriah Wilkins, a former citizen of Ohio, and owner and manager of the Washington Post at the time of his death, was the best informed man of his time. He made a collection of unpublished facts as to General Washington which was absolutely stupendous. What he did with what he collected I do not know, but could readily ascertain. I claim to be his successor and will state my reasons for it presently.

I have gone all over the entry books in the land office of Virginia, kept during the time General Washington made or might have made entries, and he was the greatest land locator in Virginia or in the United States. The entries begin in the name of George Washington, Esquire, and after a great many in that name, they change to Major George Washington, then to Colonel George Washington, then to General George Washington, and after his election to the presidency they appear in the name of His Excellency, George Washington. He located lands in many parts of Virginia in what is now West Virginia, in Kentucky 5,000 acres and in Ohio 3,051 acres. He owned 45,930 acres of land when he made his will on July 9, 1799. When he took command of the army under the great elm at Cambridge, he was reputed to be the wealthiest citizen in the United States and he maintained that reputation until his death, though it was never published in the papers. He died worth \$530,000, according to his own estimate, made on July 9, 1799, and his executors asked the court to accept his appraisement as theirs, which it did. His lands in Ohio are now worth \$305,100, and were the original timber on them as when he located them they would be

## Commemorative of the Birth of Washington.

worth a million dollars. He owned 23,341 acres in the Kanawha and Ohio river bottom in West Virginia and 5,000 acres in Kentucky. He had instinct for locating the best land and everywhere he went he sought to enter or buy new land. He and his young friend, George Martin Fairfax, undoubtedly overreached Lord Fairfax, in making locations for him in Virginia, by which they obtained large quantities of land, but Lord Fairfax evidently wanted to encourage the boys and even encouraged them in doing him up. That was, however, before either of them came of age. Washington was made a major at 19 and a colonel at 22. From 1755 to 1759 he commanded a regiment of Virginia militia at Winchester, Va. He was troubled by drunkenness among his soldiers and tried to prevent the county court from licensing the ordinary keepers and prevent them from selling liquor to his soldiers. He succeeded and the ordinary keepers became his bitter enemies and had him arrested for swearing. When the Braddock campaign was on he was appointed to inspect horses to be purchased for the expedition. There was a band of speculators from Jefferson county, who had schemed to sell a lot of worthless, broken-down horses and Washington rejected these worthless horses and so offended these speculators.

Then he was a candidate for the House of Burgesses from Frederick county, which had to elect three; Washington was one of the four candidates. He occupied the position of the gentleman who spoke yesterday—he became a receptive candidate, but it didn't work. The ordinary keepers and the horse dealers combined against him, and with three to elect out of four Frederick county, Virginia has the honor, if it is an honor, of having defeated General Washington when he was a candidate for the House of Burgesses. Another thing, he neglected the election; he didn't go around to see the voters. So he was defeated. That rather nettled him and he determined the next year that he would be a candidate and would be elected. So he ran in conjunction with a Mr. Martin. They joined their forces. So he made friends and got on good terms with the ordinary keepers, but he concluded he could stand the enmity of the horse dealers and he made the race and was elected. The election cost him \$75. He had a great habit of keeping account of everything. I am sorry that he forgot his position of a year before about the license, for the biggest part of that \$75 was for a barrel of whisky. He gave a dinner and that was his biggest part of the expense.

The next year he was re-elected without trouble.

He was the greatest man of whom we have any knowledge to keep accounts, and his books of accounts now in the state department at Washington would leave the inference that he spent his whole time in keeping books. The handwriting is his own and like copper plate. His last entry on his daily journal is in the state department of Washington and it was on his return from the last fatal ride. His last letter was to James Anderson, his overseer, and it is in the library of the Historical Society of Pennsylvania at Philadelphia, and cost the society \$500. It was obtained from a young lady in Yorkshire, England, a descendant of James Anderson.

There is no record of Washington ever having been in debt to any extent. He was away from his home more time than he ever spent there—in the French and Indian war, attending the legislature at Williamsburg, in his ex-

peditions to the west, in his service in the Revolution seven years, and as president nearly eight years—and yet his affairs were all well conducted and always mastered. He refused the pay of \$6,000 per year tendered by congress for his services as Commander in Chief during the Revolution, but accepted \$64,000 for his expenses. I have a facsimile of this account for his expenses. This, however, included what was necessary to maintain his military family and the secret service fund. He declined any land bounty which he might have claimed and which amounted to 23,334 $\frac{1}{4}$  acres, presumably worth \$233,340. These services and bounty warrants he made a gift of his countrymen. His executors only accounted for \$124,000 of money for his estate, but this is explained by the fact that his devises in land were turned over in land to his devisees. His Ohio lands were lost to his estate by a land speculator in Ohio, who was afterwards a United States senator from Ohio—a man who would call his yoke of oxen "Jesus" and "Christ," but would not hesitate to take the better of George Washington.

I claim to be nearer the Washington family than any member of this Convention, notwithstanding there are four George W's in it. On October 29, 1907, in the circuit court of Fairfax county, Virginia, I moved, in the name of Samuel Washington of Charleston, Virginia, and Lawrence Washington, of Alexandria, Virginia—the one a descendant of Samuel Washington, and the other of Corbin Washington, brothers of the General—for the appointment of an administrator de bonis non of General Washington. The motion was granted and Robert E. Lee, Jr., a four-times great-grandson of Mrs. Washington and grandson of the great Confederate general, was appointed, and his trust is still in force. I was accepted as one of the sureties on the bond of the administrator, and if any of you gentlemen ever have been surety on the bond of General Washington's executor you are at liberty to mention the fact. Mr. Lawrence Washington was born at Mt. Vernon in 1854, in the room in which General Washington died, and his father sold Mt. Vernon to the Ladies' Association in 1859. For the last four years I have been in receipt of a letter from Mr. Lawrence Washington on an average of once a week.

I am the attorney of the personal representative of General Washington and represent twenty-three of his heirs and know of sixty-six in all.

W. Lainer Washington, of New York city, is successor to General Washington in the Society of the Cincinnati, and I hear from him often.

Now if any of you gentlemen, members of this august body, can get any nearer General Washington or his family than that, please present your claim.

If I were asked to name what I believed to have been the happiest day of his life I would name his 67th birthday, 1799, when Nellie Custis, his wife's granddaughter, was married to his favorite nephew, Lawrence Lewis. He had then attained the highest honors any one could attain and had retired to the pleasures of private life. He gave himself up that day to unrestrained enjoyment of the occasion.

In all that I have learned of our first president either in books or in the unpublished traditions of him, he was and is the same great character we all as school boys were taught to revere. And if in the formation of this constitution we were sent here to make we keep in mind

## Commemorative of the Birth of Washington.

and follow his great ideals, we shall make no mistakes whatever.

The PRESIDENT PRO TEM: The chair voices the sentiment of the Convention in returning thanks to the member from Franklin for his beautiful and scholarly address and to the member from Scioto for his very interesting reminiscences. Many of you doubted when the resolution was passed calling for personal reminiscences that it could be carried out, but the member for Scioto [Mr. EVANS] has carried it out because he could not have told us what he did tell us without really having been there.

The chair now recognizes the gentleman from Crawford [Mr. MILLER].

Mr. MILLER, of Crawford: Jefferson said of Washington that never did nature and fortune combine more completely to make a man great and to place him in the constellation of everlasting remembrances, and Lee, emphasized this when he pronounced him first in war, first in peace and first in the hearts of his countrymen.

Washington wears no borrowed glory, his creed appears in his life not in his profession; he drew the promise of success from justice of his cause.

We know him as Washington the soldier and Washington the statesman, and his was the singular merit of leading the armies of his country to the accomplishment of independence, and of conducting the councils of his nation to the establishment of a republic and the adoption of its constitution.

Monroe wrote to Jefferson after the adoption of the constitution and said: "Be assured that Washington's influence carried this government." What an encomium! one that cannot be pronounced upon any other man.

After the victory on the field, in the convention and at the election, Washington knew that there were still grave dangers; he knew that back of the capitol, back of the president and back of the national life must stand the homes of his country. His abiding faith came through his great love for his own home and the purity of his private life gave effulgence to his public virtues, and after these years we honor and revere him, knowing his fame is but the perfume of heroic deeds and an exalted life.

The PRESIDENT PRO TEM: The chair will recognize the member from Knox [Mr. McCLELLAND].

Mr. McCLELLAND: I was surprised before our gathering this morning to have a friend come and tell me I ought to say something on the occasion and to be ready. I do not wish to make any speech. No man can read from Lincoln's second inaugural speech or from his Gettysburg oration and say anything within an hour. Nor can anyone read from Washington's farewell address without feeling his own inadequacy. On this occasion I will simply read a short extract from Washington's farewell address:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of man and citizens. The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connections with pri-

vate and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Mr. DWYER: Mr President: The people of my race have always been the greatest admirers of George Washington. They fought with him in the Revolution, they served with him in the administration of government, and I desire to read an extract from an address delivered by a countryman of mine in the city of Dublin on George Washington. It was given in his memory and the speech was delivered by Charles Phillips:

Allow me to add one flower to the chaplet, which, though it sprang in America, is no exotic. Virtue planted it, and it is naturalized everywhere I see you anticipate me—I see you concur with me, that it matters very little what immediate spot may be the birthplace of such a man as Washington. No people can claim, no country can appropriate him: the boon of Providence to the human race, his face is eternity and his residence creation. Though it was the defeat of our arms, and the disgrace of our policy, I almost bless the convulsion in which he had his origin. If the heavens thundered and the earth rocked, yet, when the storm passed, how pure was the climate that it cleared; how bright in the brow of the firmament was the planet which it revealed to us! In the production of Washington it does really appear as if nature were endeavoring to improve upon herself, and that all the virtues of the ancient world were but so many studies preparatory to the patriot of the new. Individual instances no doubt there were; splendid exemplifications of some single qualification. Caesar was merciful, Scipio was continent, Hannibal was patient; but it was reserved for Washington to blend them all in one, and, like the lovely masterpiece of the Grecian artist, to exhibit in one glow of associated beauty the pride of every model and the perfection of every master. As a general, he marshaled the peasant into a veteran, and supplied by discipline the absence of experience; as a statesman, he enlarged the policy of the cabinet into the most comprehensive system of general advantage; and such was the wisdom of his views, and the philosophy of his counsels, that to the soldier and statesman he almost added the character of the sage. A conqueror, he was untainted with the crime of blood; a revolutionist, he was free from any stain of treason; for aggression commenced the contest, and his country called him to the command. Liberty unsheathed his sword, necessity stained, victory returned it. If he had paused here, history might have doubted what station to assign him, whether at the head of her citizens or her

## Commemorative of the Birth of Washington — Relative to Invitation to Governor Hiram Johnson.

soldiers, her heroes or her patriots. But the last glorious act crowns his career and banished all hesitation. Who, like Washington, after having emancipated a hemisphere, resigned its crown, and preferred the retirement of domestic life to the adoration of a land he might be almost said to have created?

"How shall we rank thee upon glory's page  
Thou more than soldier, and just less than sage?  
All thou hast been reflects less fame on thee,  
Far less than all thou hast forborne to be!"

Such, sir, is the testimony of one not to be accused of partiality in his estimate of America. Happy, proud America! the lightnings of heaven yielded to your philosophy! the temptations of earth could not seduce your patriotism!

I have the honor, sir, of proposing to you as a toast,

"The immortal memory of George Washington".

He was "the first, the last, the best, the Cincinnati of the West, whom envy dare not hate;" nature made but one such man and broke the mold on Washington.

The PRESIDENT PRO TEM: The chair now declares the services at an end. I am sure the Convention owes a debt of gratitude to the member who introduced the resolution and to the committee which arranged the program.

Mr. ANDERSON: I move that the Convention recess until 2:30 o'clock p. m.

Mr. BROWN, of Highland: I move to amend by inserting 2 o'clock p. m.

The amendment was agreed to and the original motion as amended was carried.

## AFTERNOON SESSION.

The Convention met pursuant to recess, with the president pro tem [Mr. DOTY] in the chair.

Mr. HARRIS, of Ashtabula: I ask consent at this time to take up Resolution No. 74.

Mr. LAMPSON: I call attention to the special order for the hour.

The PRESIDENT PRO TEM: One minute intervenes after the recess before the taking up of the regular business and the secretary will read Resolution No. 74.

Resolution No. 74 was read as follows:

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

Mr. HARRIS, of Ashtabula: This is an occasion on which I would like to say a few words, and what I say is for publication only. And my words are not to be taken as any evidence of my feeling. When I introduced this resolution there seemed to be a rumor of dissatisfaction, and it even went so far that several gentlemen addressed me personally on the matter, setting

up in the first place that this Convention could not afford its precious time to such trivial things as this, and in the second place that I must have fallen under bad influence. What was the use of inviting outside talent when we had the member from Cuyahoga with us all the time?

A DELEGATE: Mr President—

Mr. HARRIS, of Ashtabula: I cannot yield any of my precious time.

The PRESIDENT PRO TEM: The chair will protect the member.

Mr. HARRIS, of Ashtabula: Now I want to select from the history made this last six weeks some items bearing on the matter.

As near as I can remember the member from Montgomery started all the trouble. He was a man in good reputation, and when he introduced a resolution inviting the governor of Ohio to address the Convention along the line of our work I did not suspect anything. I thought it was all right. Then it happened pretty soon that somebody found out that President Taft was coming to look at the new postoffice in Columbus, and he thought that President Taft ought to be invited to address the Convention. Then somebody said something about inviting the United States senators, and we stopped everything until we put over the door where everybody could see it, "This is the stopping off place for pilgrims to the White House. No United States senators need apply." So the president came and we went over with him and helped him look at the postoffice, and then he came over here and lectured us and he said—I don't remember what he said, but he was here anyhow. A little later we had the governor of Ohio, and he talked to us in a dignified manner. I don't remember what he said, because there are some fellows who have no respect for anybody and they made him say it over again three or four times.

After disposing of these cases I hoped that we would be satisfied. Then along came the member from Lucas county [Mr. BROWN]. He suggested that we invite Woodrow Wilson to come here and talk. Walter said that Woodrow Wilson had written a book on constitutional law and had written a book on history and that he thought it would be entirely in place for him to unload here, that he might be able to teach us something I was still in doubt, and I went to some contemporary history and from that distinguished biographer Dooley I made this extract:

Woodrow Wilson, Hinessey, was wunst president of Princeton College, which is a boordin school in the state of Noo Jarsey, where they teach young Presbyterians fut ball, infant damnation and other things necessary for young gentlemen to know.

So I was no longer in doubt about inviting Woodrow Wilson. But he passed us by. At any rate we haven't seen him. Now I do not know what sinister motive lay behind the suggestion of the member from Preble [Mr. EBY]. I have always thought well of the member from Preble, and you will notice here that I say "member" when speaking of the delegates. I do that advisedly. The word "gentleman" sounds to me a little congressional, and in a mixed company like this it is liable to be misapplied.

## Resolution Relative to Invitation to Governor Hiram Johnson and Others.

The PRESIDENT PRO TEM: The gentleman is out of order.

Mr. HARRIS, of Ashtabula: I will get in order as soon as I can.

The PRESIDENT PRO TEM: The delegate has had ample time to get in order.

Mr. HARRIS, of Ashtabula: I am told there are several delegates on the floor who hope to go to concourses where they hope to be called gentlemen. There are one or two cases particularly noteworthy. One of them is a man in the prime of life, with a full head of hair, who is willing to snatch the seat of a poor bald-headed son-in-law. I have heard of another case, of a man upon whose head the hair is getting thin who is willing to push another man out who is satisfied with his job. So I say we will address each other as members and not as gentlemen.

But to return to the subject of the member from Preble. I was profoundly disturbed when the Convention voted to accept his resolution. T. R. to me has always represented a man with a full set of teeth and a big stick and I have no idea what is behind it. The only thing that reconciled me to the fact of his coming was that he would not bring his elephant trunk along.

Mr. PECK: Will the gentleman permit a question?

The PRESIDENT PRO TEM: Does the gentleman yield to the gentleman from Hamilton [Mr. PECK]?

Mr. HARRIS, of Ashtabula: No.

Mr. PECK: I just wanted to know what the gentleman is talking about.

The PRESIDENT PRO TEM: While the gentleman is out of order the question is in order.

Mr. HARRIS, of Ashtabula: Now there is one thing that occasioned me concern. We have heard gentlemen, when their propositions looked to be in a bad way, mention the fact that this Convention was not going to settle all the questions. Occasionally, when the member gets in a particularly bad way, he reminds us of what the people will do with this miserable mess we are making when they get hold of it, and I have sometimes waked up in the night wondering what is to become of all this waste of gray matter, and paper and ink, and that gets me nearly to the end. The gentleman—member—from Morgan county [Mr. TANNEHILL] held up before us the other day and showed us a closely-printed three-foot— or six by six—I don't know what it was, and he said it contained twenty-three amendments to the constitution of the state of California, which was submitted under the present administration by the people of California for adoption. There were a few things like the initiative and referendum, recalls for everybody, equal suffrage for women and wax for the Southern Pacific Railroad Company, and they submitted the whole thing to the people of California and they put the whole thing over.

Now, if the governor of California can help us out a little on the adoption of this constitution after the submission of things to the people, I think we ought to give him a chance to suggest.

I think we ought to invite the governor of California, on his way from the Atlantic to the Pacific, to stop over and address this Convention. He is the governor of a great sister state, which for a thousand miles is washed by the waters of the Pacific, a state imperial in expanse

at the present time and with future prospects simply illimitable. This state is just emerged from barbarism you might say. For years it was controlled by a despotism as complete and as cruel as any country in Central Africa. As the exponent of an outraged people, Governor Johnson has gone to the front as their leader and was made governor of that great state. A corporation levying upon the people of California constant tribute with which it might debauch not only the governor, but the legislature and the courts until law and government had become a travesty, the courts of California a laughingstock and the city by the Golden Gate sat in ignominy. But that state is changed now, and this man represents a changed movement. I think without any red fire or blare of trumpets we might give him half an hour.

Mr. EBY: I want to congratulate the gentleman from Ashtabula [Mr. HARRIS] on the glowing tribute to California, and I shall interpose no objection to the resolution regarding Governor Johnson, for no man can exceed me in admiration for the work he has done in the regeneration of his state. It occurs to me we have a condition of affairs among us to which attention might well be called. As I understand Governor Johnson is brought here for several purposes, one of which is to talk to us on the initiative and referendum. Now, in common with a great many other members of this body, I had hoped that I might assist in adopting an I. and R. clause that would receive the approval of the Convention and would be adopted later by the people of Ohio. But the powers that be have decided that the form and substance of that clause, whatever it may be, is to be decided outside the floor of this Convention. They have taken the privilege away from the committee on the I. and R.

The PRESIDENT PRO TEM: The chair would call the attention of the member to the fact that he is out of order. He will please address himself to the question that is before the house.

Mr. EBY: I will try to get back to it.

The PRESIDENT PRO TEM: Get back to it.

Mr. EBY: That committee—

The PRESIDENT PRO TEM: The member is out of order. There is a question before the house and it is not any question about any committee.

Mr. EBY: The question is on the advisability of inviting Governor Johnson to address us.

The PRESIDENT PRO TEM: That is the question.

Mr. EBY: What I am saying is on the desirability of inviting him. If the chair says I am out of order I will abide by the decision. I had an amendment to offer. We have started to invite leaders of thought in different states and I admire another gentleman as much as anyone admires the gentleman from the Pacific Coast, and I want to offer an amendment.

The PRESIDENT PRO TEM: The gentleman from Preble offers an amendment. The secretary will read the amendment.

The amendment was read as follows:

After the words "Governor Hiram Johnson, of California," add the following, "and Hon. Champ Clark, of Missouri."

## Resolution Relative to Invitation to Governor Hiram Johnson and Others.

Mr. ANDERSON: I offer an amendment.

Mr. HARRIS, of Hamilton: Mr. President—

The PRESIDENT PRO TEM: The member from Mahoning [Mr. ANDERSON] has the floor, and by unanimous consent has been given time to write out his amendment.

The amendment was read as follows:

Add to the amendment of Mr. Eby: "That the members of the I. and R. caucus be appointed a bodyguard to meet Governor Johnson at the station and escort him to the Convention hall."

The PRESIDENT PRO TEM: I declare that amendment out of order as not germane to the question.

Mr. HARRIS, of Hamilton: I offer an amendment. The amendment was read as follows:

Strike out all after the word "Johnson" and substitute "and no further invitations shall be extended."

Mr. PECK: I move to lay the whole subject on the table.

The motion was carried, the vote standing on division, yeas forty-nine, nays forty-five.

So the whole matter was laid on the table.

Mr. LAMPSON: I desire to ask unanimous consent to say a word or two and then make a request.

The PRESIDENT PRO TEM: If there is no objection the member can make his statement. I hear none and the member can proceed.

Mr. LAMPSON: Sometime ago when this matter of invitations was first begun there was a resolution to invite both Senators Burton and Pomerene. They represent the same state that this body represents in its capacity, although they represent it in a different capacity. Their constituency is the same as ours. I think that this Convention acted hastily in laying that resolution on the table; at any rate, since then we have invited citizens of outside states and they have come here and addressed us. It seems to me we owe it to ourselves to take that resolution inviting our own senators from the table and adopt it, and I therefore move to take Resolution No. 48 from the table.

Mr. PECK: Is that in order?

The PRESIDENT PRO TEM: It is because unanimous consent was given.

Mr. PECK: No, sir; unanimous consent was not given to that. There was unanimous consent to make a statement and not a motion.

Mr. LAMPSON: Don't object to that.

Mr. PECK: I certainly shall.

Mr. LAMPSON: Then I move to suspend the rules and take Resolution No. 48 from the table.

The motion was carried.

Mr. LAMPSON: Now I move that we take Resolution No. 48 from the table and consider it now.

Mr. PECK: I don't understand why this motion should be taken up. That matter has been disposed of by this Convention along with a number of others. Why should we be continually asking people to come here and lecture to us? There are many men in this state just as able as these senators, and there are men

in the house who are just as competent as these senators. Why should we be asking these men to come here and tell us what we ought to do? I think we ought to go on with our work and debate our own propositions and not be wasting our time in inviting outside people. Every time a man comes here it knocks a day all to pieces. This is a big machine. It takes an hour or two to get in motion and then to arrest its motion it is done for the time being and it takes several hours to get it to going again. I hope the motion will not prevail.

Mr. READ: With all respect to the venerable delegate from Hamilton—

Mr. PECK: I promise to shoot the next man who refers to me as "venerable."

The PRESIDENT PRO TEM: The point of order is well taken.

Mr. READ: I certainly cannot agree with him. We have some able people in this Convention and every day we hear wisdom dropped from some of them. But it seems to me that we are not so wise that we can not learn something from the outside. I feel that I have been greatly benefited by the speeches made by outside persons. There has not been one from which we have not learned something. If we don't agree with them on everything, still there is always something that is a benefit to us. I therefore am heartily in favor of inviting these men. I think the time is well spent, and I am surprised how quickly this great body of men can get back into work after listening to one of these addresses.

Mr. BIGELOW: Some days ago I asked a number of members whether they were willing to hear Governor Johnson. I did this because it was my feeling at the time that the temper of the Convention was decidedly against spending any more time in considering addresses from outsiders. But it seems from the expression at that time that there was a disposition to make an exception in favor of Governor Johnson and it was because of the talk then that the resolution inviting Governor Johnson was introduced. On account of the discussion on the liquor question we have been slow in reaching this resolution and for some days Governor Johnson has been delaying his return home—

Mr. ANDERSON: I rise to a point of order. Like the delegate from Preble [Mr. EBY], the gentleman is not talking on the question.

The PRESIDENT PRO TEM: The gentleman will confine his remarks to the motion to take from the table Resolution No. 48.

Mr. BIGELOW: I cannot agree with the decision of the president. I was giving my reasons for hoping that that motion would be defeated and my reason is that Governor Johnson has been waiting in New York—

Mr. ANDERSON: A point of order.

The PRESIDENT PRO TEM: State the point.

Mr. ANDERSON: I wish the chair would sustain himself.

The PRESIDENT PRO TEM: The gentleman may rest assured that the chair is fully capable of sustaining himself without the assistance of the delegate from Mahoning.

Mr. ANDERSON: I rise to a point of order and I ask that the question under discussion be discussed.

The PRESIDENT PRO TEM: The gentleman

## Resolution Relative to Invitation to Governor Hiram Johnson and Others.

raises a point of order which has been ruled upon and the member from Hamilton [Mr. BIGELOW] will proceed.

Mr. BIGELOW: Waiting at the Waldorf Hotel hoping—perhaps not hoping, but waiting for an invitation. If after this situation has been created, and he has been waiting some days expecting an invitation, finally we decline to invite him and I am compelled to go to the telephone now and say so—if right on the heels of that we call up another resolution that we have turned down and invite two men, although they are senators from Ohio, I would be placed in the position of having rather unpleasant information to give to Governor Johnson and the Convention would have in that action shown some slight discourtesy to him. Lest it should be so interpreted I would like to say that the action taken this afternoon with reference to Governor Johnson is placed on the ground that we haven't any time to offer for any more outside speeches and our action in refusing to act favorably on that motion will impress the truth of it. I hope this motion will be defeated so that we may clearly put ourselves on record, as not discriminating against Governor Johnson, but simply as feeling that we have spent enough time hearing outside speeches and will not devote ourselves in the future to any more.

Mr. ELSON: I heartily agree with what the gentleman from Hamilton [Mr. BIGELOW] has said, but I do not put it on the same grounds. It makes no particular difference what Governor Johnson may think our motives were, I agree with Judge Peck of Hamilton that we have heard speeches enough and I think it is time to call a halt. I will say that I very much regret that the proposal to invite Governor Johnson was voted down because he is one of the large men of the western country. I would like to hear him, if nobody else, but it seems to me it is hardly more fitting for us to call our two United States senators than to call various members from Ohio of the lower house at Washington, and I hope this will be voted down.

Mr. WINN: I hope the motion will not be voted down. I hope it will be sustained and then that we will carry another motion taking from the table the resolution we just tabled and extend a courteous invitation to Governor Johnson to come here. It seems to me that we owe that to Governor Johnson. If it be true, as our president has said, that Governor Johnson has already read in the papers the notice of the resolution inviting him and is postponing his journey west to receive that invitation, we, as representatives of this great state of Ohio, owe it to him to extend to him an invitation and have him fix the time that he will be here. We owe it also to the president of this Convention. We should not humiliate him and require him to go to the long-distance telephone and tell Governor Johnson that this body of men declined to invite him to come here. So I hope we will vote to take this resolution from the table, as the member from Ashtabula [Mr. LAMPSON] has moved, and when that motion has been disposed of I hope that some one will move to take the resolution just put on the table from the table and that that motion will be carried.

Mr. KERR: I rose a moment ago when the member from Defiance [Mr. WINN] was recognized to say

that I voted in the affirmative on that motion and that I thought we had made a mistake. We ought to help our worthy president out and I intend to take that matter up now. Our president ought to be relieved of that situation. I don't care so much about hearing Governor Johnson, but I insist upon the courtesy being extended and if not out of order—

Mr. ANDERSON: I think the motion ought to prevail, and then I think another motion ought to be made taking the Johnson resolution from the table, not for the reason that has been assigned, because it may cause embarrassment to any member, as I believe no member ought to anticipate to such an extent what we are going to do, but because it may cause embarrassment to Governor Johnson.

Mr. PECK: I have never yet stated my reasons for opposing these motions. I may have made a joking remark or two about this matter, but my real reasons are these: These gentlemen come here and they talk to us and tell us to be good boys and make a good constitution and imitate the constitution of the United States in brevity and perspicuity and they give us a lot of other platitudinous advice. I appeal to anybody to put his finger on anything of practical assistance that we have gotten from any of these addresses that we have had. There has not been anything. They just give us platitudes. That is all you can expect. They would not take the responsibility of coming here and giving advice about any special point upon which we are at work. That is something we have got to work out ourselves, and we can sit here for all time to come and listen to platitudes and it won't do us any good.

Mr. ELSON: I voted for the motion of the gentleman from Ashtabula [Mr. HARRIS] and I made the other motion without relation to that, having intended to make it for several days past. I do not think that this Convention can afford to be discourteous either to its own senators or to the governor of a sister state. I think both propositions ought to be adopted.

Mr. NYE: I regret very much that the motion to hear Governor Johnson was voted down, and I hope the motion to take it from the table will be carried. If I may say a word about that and about the matter of the other two gentlemen I will do so. Mr. Johnson is from a western state. This Convention is talking of adopting some of the provisions of the constitutions of the western states and several of them have the initiative and the referendum. We all know that California has just voted upon the question of woman's suffrage. I think such an able man and such a bright-minded man as Governor Johnson will give us a lot of light upon the questions that are before this Convention. I think we would do well to hear Governor Johnson upon these subjects.

Again, the question is before the house—this is a non-political body. I suppose there are men in this body from all parties and all classes of business. I have been glad to see that there is no partisan feeling in this body. Now we have two senators, one a Democrat and the other a Republican, and they are both able men, and I think that in discussing the questions that will come before this Convention we cannot get too much information. If the work of this Convention is to last as long as the work of the last convention we need some

## Resolution Relative to Invitation to Governor Hiram Johnson and Others.

advice, we need all the information we can get, and it seems to me that we owe it to ourselves and as a courtesy to the United States senators that we invite them and listen to them. We have spent nearly seven weeks here, but suppose we do spend an hour, or even a day, occasionally with one of our United States senators, it is not time lost. In my judgment it is time well spent. I believe they will give us a talk that will be a help to us in the work before us.

The president of the United States in addressing the Convention didn't undertake to give us any advice as to what we ought to do. The governor did and I am glad of it. The gentleman we had with us yesterday, Colonel Roosevelt, gave us some advice, and I am sure that the things that were said to the Convention furnished food for thought, and I believe that we ought to consider them and consider them carefully. With some of the things that these men said I did not agree, but you can get information from them and I think we ought to get all the information we can. I think we ought to listen not only to the United States senators but to anyone who has a suggestion that will make a better constitution for the state of Ohio and for the people of Ohio.

Mr. HARRIS of Ashtabula: Of all the objections brought forward there seems to be none sillier than this waste of time business. I remember when the committee on Rules brought in the rule which provided that we should meet at seven o'clock Monday evening and on the three following days and that should constitute a week's work, it was given as a reason that we needed plenty of time for committee work. Some member said they wanted to take things up in the silence of their rooms and they wanted time for reflection. I have noticed that when the gavel falls Thursday a covey of partridges couldn't get out of the way any quicker. With Gladstone bags and suitcases they are seeking the depots, I suppose for the solitude of the committee rooms. I heard of members being in distant states—Florida, Indiana and Illinois—seeking after the solitude of the committee rooms, I suppose. It resolves itself into this, and it is really an absurdity, that we are doing committee work Monday, Tuesday, Wednesday and we start for home as soon as the gavel falls, and we don't think of any committee work any more until Monday night. Now, under such conditions, why talk of time?

Mr. EBY: I think I had the honor or the discredit of introducing the resolution to invite the senators. I did this because, if I am not mistaken, the New York constitutional convention gave the New York senators the right to the floor, and it was usually considered that the United States senators and the governor, in occupying the highest offices within the gift of the people, had peculiar opportunity to become acquainted with the needs of the state. Now, no matter what any of us think about the Ohio senators, they were elected to their positions without the expenditure of a cent of money. That speaks well for the citizens of Ohio. We elected our senators without spending any money and Wisconsin had to spend \$200,000 to elect a senator at the primary.

Another thing that has gone out is that this Convention has turned its back to the men that have brought

glory on Ohio. Now I wish to offer this amendment to Resolution No. 48—

The PRESIDENT PRO TEM: That is out of order. The question is on taking from the table Resolution No. 48.

Mr. BROWN of Highland: I move the previous question.

The motion was seconded and the vote being taken, the main question was ordered.

The PRESIDENT PRO TEM: Resolution No. 48 is now before us for consideration.

Mr. EBY: I move to amend Resolution No. 48.

The amendment was read as follows:

After the name Atlee Pomerene strike out the comma and insert "and Governor Hiram Johnson".

Mr. ANDERSON: I offer the following amendment:

The amendment was read as follows:

After the name "Hiram Johnson" insert "and ex-Senator Joseph B. Foraker".

Mr. BOWDLE: I have in my hand a warrant from the state of Ohio for \$200 in part payment of my salary. I blush to look at it. It was not given me for the purpose of coming here and wasting time listening to speeches that relate to no essential or vital matter. We are not here to waste time as we are doing. We are here to debate grave questions. As chairman of the Liquor Traffic committee I have listened to a large number of speeches from all sorts of people, masculine, feminine and neuter, and I am opposed to listening to any more speeches, even though they be from the United States senators who did not buy their way into the senate. I am positively and profoundly opposed to it. There is a question before us on which I should like to get some light. That is the question of female suffrage. I was preparing to offer a resolution to invite Mrs. Sarah Platt Decker, Mrs. Carrie Chapman Catt and the Rev. Anna Shaw to address the Convention on woman's suffrage, and I serve notice now, if we are going to offer all these male strangers the privilege of addressing us, I am going to offer a resolution to invite some of these female strangers, and I am going to press that. Meantime I blush to look at my warrant.

Mr. ELSON: Don't you think we should pass a resolution regretting that Carrie Nation is dead?

Mr. BOWDLE: I think we should.

Mr. ANDERSON: I heard some faint noise over in the main body of the house when the name of J. B. Foraker was read. I do not offer the amendment for the purpose of killing the second amendment or the original motion. I offer it because I mean it. There is no brainier man in the United States today that Hon. J. B. Foraker, whatever else you may think of him. There is no man more able to instruct this Convention along constitutional lines than the man who, in the congress of the United States, was recognized as the best constitutional lawyer in the United States. I do not intend to make any remarks upon this. I presumed that after we gave away with our feelings in reference to Governor Johnson and gave away to the other side, a

## Resolution Relative to Invitation to Governor Hiram Johnson and Others.

little courtesy might be extended to us, but that seems impossible. In other words, we want a man to come here for one idea and for one idea alone. Can't we have caucuses enough that there is no danger of changing anybody's opinion?

Mr. NORRIS: What is the danger and where of changing anybody's opinion in a body of gentlemen where their minds are closed?

Mr. ANDERSON: I might answer the gentleman that probably they might not be sealed with the right kind of wax. I want to tell these delegates something that happened several years ago and it happens to bear on this question. Therefore I think I am in order. Some years ago I was employed by a man named Bennett and others who had been employed by the Selby Tube Company of Pennsylvania, a subsidiary company of the United States Steel Corporation. The proof was clear that in a contract the Tube Company had with the United States to make tubes for the warships, a great fraud had been perpetrated upon the government in this way: The government had a United States inspector there, who brought his desk down to the works of the Selby Tube Company. In that desk he had two stamps with which he stamped the tubes that were accepted or rejected. The Selby Tube Company would open that desk, take out the stamp and by the use of oil and fire entirely obliterate the mark of the stamp from the tubes already stamped rejected. Then they would take the stamp and stamp "accepted" on the tubes. In that way they made the government purchase for the war vessels tubes that were defective and had been rejected. The McNamara affair paled into insignificance in comparison with it. It meant this: That in the nation's peril, when even our national government was at stake, when the greatest stress would be placed on those tubes, they were the weakest place in the vessel and great disaster might happen to those vessels as did happen afterwards. I went to Washington and offered the evidence I had. I went to some of these senators who have reputations as reformers, not congressmen, and I couldn't get them to touch it. No, sir; it was the United States Steel Company. In short, there was only one man there who would take hold of it and he took hold of it immediately. As soon as I laid it before him he telephoned the secretary of the navy and took the whole matter up, and that man was J. B. Foraker. Therefore I make the amendment, and I do it because I want to hear him.

Mr. FITZSIMONS: I think, gentlemen of the Convention, it will be a good thing to invite Senator Foraker to this body. I think his advice in some particulars might be used. I have seen Senator J. B. Foraker as a senator-elect from the state of Ohio lobbying for the fifty-year franchise, under the dome of this building, just as any common lobbyist would do. I have seen him standing for a proposition that robs the unborn generations in the city of Cincinnati of the use of its streets. Yes, gentlemen, he is the man to come here and talk to this Convention.

Mr. ANDERSON: Will the member yield for a question?

Mr. FITZSIMONS: No.

Mr. TETLOW: I would like to inquire where we are drifting?

Mr. PECK: Oh, there are a few more. We will ask a few more directly.

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

The PRESIDENT PRO TEM: State the point.

Mr. TETLOW: The point of order is that the amendment offered by one of the members to invite Governor Johnson to address this Convention is out of order, and should be declared out of order because we have tabled that proposition and it cannot be reopened unless it is taken from the table.

The PRESIDENT PRO TEM: The point of order is not well taken. When the Convention lays a thing upon the table it is a matter that is laid aside, and it can be taken up at any time the Convention chooses.

Mr. HALFHILL: I am in favor of this motion with the amendment. I think there are a number of very good reasons why it should pass. In the first place I do not think the president of the Convention in any way exceeded his ordinary duty in inviting as eminent a man as Governor Johnson to address us. While I think the president of the Convention has sometimes been arbitrary I think this time he deserves commendation. I hesitate to say it, but I have almost come to the conclusion that the very best way to kill anything dead as a mackerel is to get me to advocate it before this Convention, so that if the usual result follows my efforts here I shall very much regret that I obtained the floor, but I do think we ought to relieve the president of this embarrassment. We should pass this motion and we should be happy in the thought that we can hear from Governor Johnson as well as from the senators from Ohio. They have had an election of great portent in California. Some of us who know something of the political conditions in California know that if ever extreme measures were justified they were probably justified in California. I had a letter from a gentleman in Los Angeles who told me that by reason of woman's suffrage they had redeemed the state of California and that it was only the votes of the women of that state that kept Los Angeles from being socialistic, and if that is so I am in favor of woman's suffrage. Further he said, "Let me tell you this in black and white, because you are going to be a member of the Constitutional Convention of Ohio. If that question comes before you and anybody says the women don't know how to vote, tell him that in Los Angeles the women not only defeated the socialistic ticket, but they had the good sense to know that they could not enact and effectually enforce a prohibition law in Los Angeles, and they actually supported a good license law." For these two reasons I am interested in hearing Governor Johnson. As long as I am a member of this Convention I want to have an open mind and I want to be able to hear any question, I am not informed on, advocated by any man of public importance. I know that Governor Johnson has a lot of the kind of information I want to hear. Very likely he will advocate some things I will not believe in, in advance, but he may convince me. Further than that, I think, with all due respect to the eminent chairman of the Judiciary committee, we are entitled to have before us any man of national prominence and it is no sacrifice of time. We may lose a day here and there, but I have always gotten some information from these speeches we have been having. Not all of us have such

## Resolution Relative to Invitation to Governor Hiram Johnson and Others.

long lives of varied experience as some of the older members of this body, and we can still get some information that is of practical benefit in the Convention, and it is not a waste of time. And when I looked at my voucher, as did the member from Hamilton [Mr. BOWDLE], I thought I had earned it. I don't believe there is any man in this Convention who has anything else to do who has not earned well the small compensation he gets here. In fact, most of us are here at a great sacrifice. I want to hear from the senators. We are a great dual government. We fit in as part of the machinery. We are making a new constitution. It must in no way transgress the powers that we have given the federal government. Those powers are constantly being brought up in the courts and those men could give us some information of value, and I want further to add that there is no man in Ohio who can give us better or more patriotic advice than Hon. Joseph Benson Foraker, of Cincinnati. When you know the record of Foraker as United States senator, when you read that he framed the constitution of Porto Rico, when you know that he drew the legislation that brought into civilization the Philippine Islands so that it passed the scrutiny of the supreme court of the United States, when you know that he has been the author of all that creative legislation, I think you must admit that he is entitled to speak to us and we are entitled to listen. I do hope this motion as amended will prevail because it will be of benefit to all of us.

Mr. HOSKINS: I want to say just a word following the gentleman from Allen [Mr. HALFHILL]. We come from adjoining counties and I suspect we are at about as opposite angles as any two men could be. In fact, I don't remember of ever before agreeing with Brother Halfhill on anything. But I hope that this resolution and the amendment and the amendment to the amendment will prevail. If Senator Foraker addresses this Convention, if it comes to closed minds, mine will be as nearly closed against anything he might say as anybody's in the Convention. But still I think my mind is not entirely closed. I recognize Senator Foraker's ability as a lawyer and we are entitled to hear him. I have disagreed with him in his political tenets about as much as anybody in the Convention, but I recognize his ability as a constitutional lawyer and if we are to hear the senators from Ohio I am anxious to hear him. I think it is especially appropriate that we should hear the governor of California, particularly under existing conditions.

Mr. BIGELOW: The member from Allen [Mr. HALFHILL] has indicated his approval of my act in asking the governor of California to address us here. I am sorry I can not have his approval. I did not invite the governor of California and I have not communicated with him in any way. I would regret to have the Convention vote on this matter with the impression that it is saving me from personal embarrassment. This is the situation: Other people, as I have learned, have informed Governor Johnson of the fact that a resolution had been introduced here to invite him to address the Convention, and I learned from those other people over the long distance telephone within ten minutes of the time that I came in here that Governor Johnson, hearing of this, had delayed his journey home

on account of it, and I wanted to know what the Convention wished to do. The Convention laid the matter on the table, which was its right, and I was not going to say anything, but it seems to me that it is a little unpleasant to inform Governor Johnson of this fact and immediately afterwards have the Convention invite someone else. I sympathize very much with the member from Hamilton [Mr. PECK] and I am going to move, since the opening of this matter seems to have been to save me from embarrassment, that the whole matter be laid on the table.

The motion was seconded.

Many DELEGATES: No, no.

The motion was lost.

Mr. BROWN of Highland: I rise in the interest of all these propositions. In view of the tentative movement made by the Convention to invite Governor Johnson and of the actual movement having been made to invite the senators, and in view of the discouragement placed upon the movement to invite Senator Foraker, I want to insist that the whole business, the motion and the amendment, and the amendment to the amendment, shall be carried. I would feel derelict to my obligations to my own county if I did not insist upon the amendment providing for the invitation to Senator Foraker. Many years ago, in a weak moment, I took upon myself to get an education as a medical man. Then I became a practitioner and came immediately into the most intimate relationship with the Foraker family, and I have known Aunt Peggy and Uncle Henry as well as you know your most intimate friend. They were people of stern character, and they had pride in the attainments of young Joseph Foraker, and although they are dead, they have other children and other friends in Highland county, who look upon Ben Foraker as one of the greatest men in the nation, and I don't know but they are right. I know he has made mistakes, but I think in view of his services for the nation, in view of his readiness to respond to the slightest call from any friend in the state of Ohio, he is entitled to my respect. I believe with the gentleman from Mahoning [Mr. ANDERSON] that he has one of the largest intellects in the nation. I know he has one of the tenderest dispositions and an affectionate regard for his friends. I know that there is not a man in the country any where whose feelings are higher and finer and who more regrets mistakes that he makes. His feelings toward the people of the country and state is that of a man who wishes to do right.

Mr. HARRIS, of Hamilton: I think the whole matter should be voted down and I haven't any personal feeling in the matter whatever. It is simply a matter of common sense. I think the matter should be put separately before the Convention so that anyone who wishes to vote against any particular one can do so. Let no person be deceived on this matter or forced to vote for any one person by having him in with another bunch.

Mr. FITZSIMONS: My only regret is that the unborn generations in Cincinnati whose rights have been tied up through his instrumentality can not vote in this Convention and settle this matter.

Mr. HARRIS, of Ashtabula: I entirely agree with the member from Hamilton [Mr. HARRIS], and by ordering the previous question we can vote on the amendments one at a time and we can eliminate those we do

## Resolution Relative to Invitation to Governor Hiram Johnson and Others.

not want. I now move the previous question.

The motion was seconded and a vote being taken the main question was ordered.

The PRESIDENT PRO TEM: The question is first on the adding of the name of J. B. Foraker to the list of invitations.

Mr. FITZSIMONS: And on that I call the yeas and nays.

The yeas and nays were taken, and resulted—yeas 70, nays 38, as follows:

Those who voted in the affirmative are:

Anderson,	Halfhill,	Nye,
Antrim,	Harbarger,	Partington,
Baum,	Harris, Ashtabula,	Peck,
Beatty, Morrow,	Harter, Stark,	Peters,
Beatty, Wood,	Henderson,	Pettit,
Brattain,	Holtz,	Price,
Brown, Highland,	Hoskins,	Read,
Brown, Pike,	Hursh,	Riley,
Cassidy,	Jones,	Rockel,
Cody,	Kehoe,	Roehm,
Collett,	Kerr,	Rorick,
Colton,	King,	Shaw,
Cordes,	Kramer,	Smith, Geauga,
Crites,	Lambert,	Solether,
Cunningham,	Lampson,	Stalter,
DeFrees,	Longstreth,	Stevens,
Donahay,	Ludey,	Stewart,
Dunlap,	Marshall,	Taggart,
Dunn,	Matthews,	Tannehill,
Earnhart,	McClelland,	Wagner,
Eby,	Miller, Crawford,	Walker,
Evans,	Miller, Ottawa,	Winn,
Farnsworth,	Norris,	Wise,
Fluke,		

Those who voted in the negative are:

Beyer,	Hoffman,	Shaffer,
Bowdle,	Johnson, Madison,	Smith, Hamilton,
Crosser,	Johnson, Williams,	Stamm,
Davio,	Keller,	Stilwell,
Doty,	Kilpatrick,	Stokes,
Dwyer,	Kunkel,	Tetlow,
Elson,	Leslie,	Thomas,
Farrell,	Malin,	Watson,
FitzSimons,	Miller, Fairfield,	Weybrecht,
Fox,	Moore,	Woods,
Hahn,	Okey,	Worthington,
Harris, Hamilton,	Pierce,	Mr. President,
Harter, of Huron,	Redington,	

So the amendment was agreed to.

The PRESIDENT PRO TEM: The next question is on the amendment to add the names of Governor Johnson of California and Honorable J. B. Foraker, of Ohio, to the original resolution.

The amendment was agreed to.

The PRESIDENT PRO TEM: Resolution No. 40, amended, includes the senators from Ohio, Governor Johnson and Mr. Foraker.

The resolution was agreed to.

Mr. PECK: I ask unanimous consent to offer a resolution.

The PRESIDENT PRO TEM: The member from Hamilton [Mr. PECK] asks unanimous consent to introduce a resolution. Is there any objection? The chair hears none and the resolution may be read.

The resolution was read as follows:

Resolution No. 78:

*Resolved*, That the words "Constitutional Convention" wherever they occur in the proceedings of this body be changed to "oratorical assembly."

The PRESIDENT PRO TEM: The resolution goes over under the rule.

Mr. BOWDLE: I ask unanimous consent to offer a resolution.

The PRESIDENT PRO TEM: Is there objection? The chair hears none. The resolution may be read.

The resolution was read as follows:

Resolution No. 79:

*Resolved*, That the Convention extend an invitation to Mrs. Sarah Platt Decker, Mrs. Carrie Chapman Catt and the Rev. Anna Shaw to address this Convention at their earliest convenience on the merits of woman suffrage.

The PRESIDENT PRO TEM: The resolution goes over under the rule.

The member from Erie now calls up the special order for one minute after two o'clock Proposal No. 151 with the pending amendment now before the house. Before we proceed the chair would make an announcement. This announcement is made by agreement of those who appear to be in control or in lead on the two sides of the question at issue, and they have come to this agreement among themselves. This is supposed to be a gentlemen's agreement, or perhaps a members' agreement. It is agreed that the present debate on Proposal No. 151 and the pending amendment shall continue from now on until 11:15 Friday, February 23, at which time a motion will be made to postpone the further consideration of No. 151 and pending amendments until the next day, it being placed at the head of the calendar. The discussion will be continued and a recess be taken from day to day, but no vote will be asked before Wednesday, February 28, at twelve o'clock. This is a gentlemen's agreement and you are all in on it.

Mr. PECK: I decline to be bound by it.

Mr. READ: It has been so long since I have been recognized and yielded that I have almost forgotten what the subject of discussion is.

The PRESIDENT PRO TEM: The question is the liquor question. If anybody wants the matters read the chair will order them read.

Mr. READ: I do not propose to discuss the question at any great length or very fully. I wish to comment briefly upon a phase which has been mentioned heretofore, but has not been discussed. It has been very ably debated by the gentleman from Defiance [Mr. WINN], the member from Erie [Mr. KING], the member from Franklin [Mr. KNIGHT], the member from Elyria [Mr. REDINGTON] and by others, and I could not hope to add anything more to what they have said in the line of discussion each pursued, and I heartily congratulate them upon their logical arguments.

But I do, however, disagree with the premises from which the question has been discussed. In the first place, I maintain that "license" is not a constitutional question and should not be in the constitution at all, for it is not a fundamental question or a part of the fundamental law. This is a question of state-wide importance, one in which there is intense interest on both sides, a question on which there is a great deal of antagonistic feeling and one that has been injected into this Constitutional Convention and must be met without faltering and without evasion. It should be dis-

## Traffic in Intoxicating Liquors.

cussed from the standpoint of the brotherhood of man. In all great questions we should try to avoid antagonism, we should not indulge in invective or fault-finding but discuss them upon their merits, giving due respect to all persons who entertain opinions different from our own.

There is upon the one side of this question a great business, a business that is with us and one that needs regulation, and the question for us to decide is, "What are we going to do with it?" Another point that comes up is, how far can this Constitutional Convention deal with it?

Upon the other side of the question is another great class of people who are bitterly opposed to what those on the former side want, and so we have two great antagonistic elements contending against each other and creating bitterness and ill feeling and not coming to any definite conclusion. Now one of the great desiderata sought by both parties is to have the question taken out of politics, but they say it cannot be done, that it will still remain in politics. Under present conditions and under any proposal that has yet been presented to this Convention I admit it cannot be taken out of politics. If this Convention decides that it is not a constitutional question, I believe this body can make arrangements by which it can be taken out of the political arena. But if you inject it into the constitution then you cannot get it out, for then its details must be referred to the legislature, and as long as you leave it to the legislature it will be a source of political turmoil. The only way to get it out is to make it altogether a question to be dealt with fully by the people themselves. Let me read to you a few quotations from Cooley's Constitutional Limitations, some of which can be applied to this question:

A cardinal rule in dealing with written instruments is that they are to receive unvarying interpretation, and that their practical construction is to be uniform. A constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as to make a different rule in the case seem desirable.

A principal share of the benefits expected from written constitutions would be lost if the rules they establish were so flexible as to bend to circumstances or be modified by public opinion.

Again —

We are not to import difficulties into a constitution, by a consideration of extrinsic facts, when none appear upon its face.

That is to say, we are not to distort the meaning of a clause in the constitution to make it the basis for action to remedy an evil or construct a law when there is no room in the clause itself for such construction. There should, therefore, be no mandates in an organic instrument capable of varied construction, when the customary and authorized meaning of words leave no room for doubt.

Now the import of this comment is to avoid ambiguity in framing organic law, and also to avoid specific regulation of any case, remedy or agency, subject to ever-changing conditions.

Now think in your own mind whether license of itself would not come under that rule? It would be subject to ever-changing conditions. Consequently it would be a continuous bone of contention in the constitution.

When you specify a remedy and it, by reason of changed conditions, is no longer effective or satisfactory, you, by that very specification in the constitution, prevent the application of what might be a much more effective remedy provided by statutory law. Thus you hinder instead of aid in social betterment.

A license provision in our constitution, purporting to regulate the sale of intoxicating liquors, is a provision that will not only be hotly contested by the people and, if carried, will be a constant bone of contention between forces almost equally divided, but it will be inadequate to effect the purpose of its advocates as time, customs and social changes develop new and unforeseen conditions.

A general basic provision giving the people the right of regulation and disposition of the sale of intoxicating liquors is a provision that would permit statutory enactments in any exigency that might arise, and is a very different thing from making a license the prominent feature or regulation of the traffic. In the latter case, you limit the exercise of popular action on the question to restriction of the license as the chief remedy for any mischief that might arise therefrom. A restrictive provision in the constitution is as obnoxious to the advocates of license as restricting the remedy to a license is obnoxious to the advocates of prohibition.

A constitution is a written instrument embodying organic law and laying down fundamental rules and principles for the conduct of affairs. It deals with the organization of government, provides the machinery for operating it, and lays down general rules as a basis for specific action or statutory law.

Now what is the fundamental fact concerned in this liquor question? The manufacture and sale of intoxicants.

If it is fundamental enough to be dealt with at all in the constitution (a great many states think it is not), but if it is proper for the constitution to any extent, that instrument should evidently go no further than indicating the machinery which should deal with it, leaving the details to statutory law and to the people the application of the remedies.

License is not a fundamental principle, for it is not a cause. In this instance, the manufacture and sale of intoxicating liquors is the cause, and license is only one of many other specific and flexible remedies for limiting its scope and modifying its effects.

I, therefore, contend that license is not, either intrinsically or relatively, of sufficient fundamental importance to be incorporated in our constitution.

It is, moreover, a pre-eminently controversial question, which is another reason why it should be kept out of the constitution. I realize that we cannot keep out all controversial questions, but we should endeavor to keep out those that are pre-eminently so — controversial in the highest degree, and this is one of those questions. Not only I, but many others are of that opinion. I see that a writer in the Ohio State Journal, who is noted for his discrimination, had an editorial a few days

## Traffic in Intoxicating Liquors.

ago which gives this Convention some good advice as follows:

One thing that the Constitutional Convention should study with great devotion is what subjects should be defined in a constitution and what discarded entirely. Fill a constitution with legislative matters and there is endless trouble in the future. It requires discrimination and judgment to escape a calamity of this kind, and calamity it is. What belongs to legislation should be left to legislation.

A constitutional convention is not to advance policies; it is to leave these to the people, to be determined at their leisure. What might seem to be wanted now might be wholly undesirable in ten years from now. And if this is provided for by easy amendment then the character of the constitution goes. There are features now getting into the constitution that have no business there, and there are some members who need some instruction upon what a constitution really means. They don't seem to know.

Today at noon the idea of keeping this liquor question out of politics was brought up and I said that I believed it could be done, that I had a plan which I believed would accomplish that end if it would meet with the approval of the Convention. A gentleman replied if that were so I ought to get a patent on it, and so I am thinking of having it copyrighted after I hear what the Convention says about it. I do not suppose it will be accepted unanimously by any means. I had intended to present it as an amendment, but in order not to complicate matters too much, I shall not present it now, but will do so at an opportune moment. I will read it and explain what I think it would do and hope you will discuss it. Instead of having all of the Anderson Proposal No. 151 I would strike out the lines 4 and 5 and insert the following, which would in reality be a substitute for all that is there:

The question of the manufacture and sale of intoxicating liquors shall be decided by the electors of the state at special elections to be held once every five years, the first of said special elections to be held on the same day as the primary election in 1913, and the subsequent special elections to be held every five years thereafter on the same day as said primary elections, or on every fifth anniversary thereof. At such elections a proposed law, or laws embodying alternative propositions, shall be submitted to the electors of the state definitely setting forth the extent of the regulation of the traffic, or its limits and prohibitions, as applied to the state sectionally or as a whole. If the majority of votes cast on any such proposed measure are in favor of its adoption, it shall be so ordered and be the law in force for five years, but if the majority of votes cast thereon are opposed to the measure it shall be rejected. In the event of alternative measures being submitted at the same time, the one receiving the larger number of votes shall become the law and remain in force until superseded by a law similarly adopted. If alternative

propositions are submitted at the same time, only one such proposition can be submitted by or on behalf of the liquor traffic and the other must be submitted by or on behalf of some well-recognized temperance organization of the state.

Now, in the first place, what I claim this proposal, if adopted, will do, is to take the question entirely out of politics and submit it to the people, and the object of having elections but once in five years is to have the question settled for a definite period of time, that during that period of time the question will not come up for further settlement or for further amendment, but that it would be understood to remain in *statu quo* until the time had elapsed. That would give those who are in favor of the liquor traffic, if it should be successful, an opportunity to show what benefit their traffic is to the country, to them and to the state. They would attempt under such circumstances to draw up the very best regulation possible in order that it might win favor and help them to carry the election next time. And the temperance people need not be idle. They can go on working during that period, perhaps doing far better temperance work than they are doing now, because it would allay the antagonism between the two forces and the best temperance work is done when you go to the drunkard and convince him that he must stop drinking instead of fighting the saloon men. I think the greatest temperance work that was ever done in this country was done during the Murphy movement thirty-five years ago. They had inscribed on their banner a motto taken from President Lincoln's Gettysburg speech, "With malice towards none and charity for all". They had no ill word to say of any man, but they did try to keep men from drinking and they succeeded to a large extent, and the effects of that movement are felt up to the present time.

Suppose an election under this proposal were carried in favor of the temperance men. It would then give our prohibition friends a chance to show how much better the state of affairs would be under their regime than under the liquor interest, and, at the same time, it would spur up the liquor people in time to offer improved regulation at the next election. In that way we would finally work out the question as to what would be best for the people. It is contemplated that at such elections, two alternative propositions would be presented, one by the liquor men and one by the temperance men, and each of those should contain the full statutory text for control and regulation, penalties and everything that goes with a statutory enactment. In that way it would not be necessary to carry politics into the election of legislators in order that they might act in that body favorably or unfavorably, as the case might be, to a certain question.

This is what I propose as a substitute for what has already been presented. Without making any extended remarks on it at this time, I simply want to put it before you so that you can think about it. I believe that it will take the question out of politics and finally settle it, as the people desire to have it settled. If you put details in the constitution, if you put in anything more than simply the basis of the law, you make the constitution the source of constant contention. Suppose license were put in the constitution. How long do you

## Traffic in Intoxicating Liquors.

think it would be before a petition would be gotten out for the purpose of amending that clause of the constitution? A very short time; and then we would have trouble with our constitution all the time, from one side or the other. But just put the simple basis for action in the constitution and then that instrument will remain undisturbed and by submitting the question to the electors you let the people decide for themselves what they want.

In conclusion, I contend, first, that license cannot be put in the constitution in a way that really belongs to organic law. In the second place, I contend if it is inserted as a provision it will not settle the question and it will be continually in politics. Therefore, the only way to take it out of politics is to make it a question of periodical popular submission, and let the electors of the state say what our temperance laws shall be for any five-year period.

Mr. SHAFFER: I rise to make a few remarks to the Convention, general in nature, in favor of the so-called King Proposal No. 4. This proposal, I may say as I begin, does not meet with my approval in every respect, but in all matters of legislation and similar matters, where different minds have to agree, there must be compromises, and this comes as near meeting my views as can be reasonably expected. It carries out in the main the idea of license. I take it that a license necessarily carries with it regulation and restriction. Upon this platform the people of Butler county elected me as one of their delegates to this Convention. I stood for licensing of the traffic and I agreed to vote at all times for a proposal submitting that question separately to the people of Ohio, and I think in favoring the King proposal I am carrying out my pledge to my constituents.

Mr. ANDERSON: May I ask one question?

Mr. SHAFFER: If the gentleman pleases, I would like to continue with the few remarks I expect to make about this subject.

The PRESIDENT PRO TEM: The member declines to yield.

Mr. SHAFFER: As I take it from the debate so far on this question, some of the gentlemen do not know to the full extent what the meaning of the word "license" is. They look upon it principally as the payment of money for the purpose of handling intoxicating liquors. I think the payment of money for license is the smallest part of it. It is regulation, restriction of the number of places where intoxicating liquors can be sold. It is the restriction as to time when they can be sold. It is regulation of the kind of men who can sell the liquor.

Now we issue a license to a man who handles dynamite or gunpowder. It is not the amount of the license fee that he pays that is important to us in licensing that dangerous business; it is the character of the man who handles it and the way it is handled. I do not think there is anything in the King proposal that will prevent municipalities from deciding for themselves the nature of the restriction and the regulation which they want to place upon the traffic. I favor this King proposal rather than the substitute for the reason that in my opinion it will stand a good chance of meeting the approval of the electors of the state of Ohio. It is a general grant of the license in the business of selling intoxicating liquors and keeping upon the statute books all the pro-

hibitory laws which we have. It leaves in the hands of the people the right to say whether in their county or in their city or in their township or in their residence district intoxicating liquors shall be sold in a saloon. It is fair in that respect, and I take it that there is no question about the legality or about that being the absolute intent and meaning of this King proposal. If I thought for one moment that it did not preserve the prohibitory laws which have been passed by the legislature of this state I would not be in favor of it. I am perfectly sincere in that and I do not think there is any question about it. There are lawyers here of vast ability and I would take their opinion just as soon and give that opinion as great weight as that of any judge who may hereafter sit upon the supreme court bench of this state, so I take it we may as well agree once and for all and this is the premise on which I make this argument, that the prohibitory laws we have upon the statute books are to remain there and the license which is permitted in this proposal applies to that part of the state termed wet territory only; and it provides that where a territory which is now dry becomes wet that then the license prohibition of the state would apply to that territory as well. So in that respect I think we may be sure that the King proposal is fair. Before I proceed further I want to make it plain and clear that I have no interest, either directly or indirectly, in the sale or manufacture of intoxicating liquor. I come here as a representative of a county which is wet. It is a county composed largely of Germans who drink their beer as naturally and as regularly as they do their coffee in the morning. I want to tell some of my dry friends that there are in Hamilton and Butler counties just as good citizens, as respectable men and families who are in the business of selling liquor as any families or men you can see in any other business. They are good citizens, they are broad citizens. They are citizens who think, and they are citizens who, if permitted under the license law to sell liquor, would make the traffic more respectable and the cause of temperance, true temperance, would be advanced.

Now, my friends, when I came to this Convention and was appointed on the Liquor Traffic committee I was perfectly amazed at the attacks made upon us of the wet persuasion. Our motives were questioned. We were told the legislature could not be relied upon at all, that this question was a question which must be fought out upon the floor of this Convention in every single phase of its application. And the main objection to the King proposal was that it left to the legislature the terms of the license and that the legislature could not possibly be trusted in putting in such restrictions and regulations on the traffic as they should. I do not think that is fair either to the coming legislatures which will be held in Ohio or to the past legislatures which have enacted so many regulatory and prohibitory laws in this state. I think under the provisions of the constitution which we have lived under since 1851, the temperance legislation of Ohio's general assemblies has been extremely good. It has been dominated almost entirely by those who aligned themselves with the cause of temperance. There is no question about that. We have regulatory laws in our statutes now. The people have the privilege and the power to change from wet territory into dry territory.

## Traffic in Intoxicating Liquors.

They have practically as much home rule and as much control as they possibly would want under existing conditions, and the past legislatures of the state of Ohio have acceded to the wishes of the temperance people to that extent. Now we favor a license in this state for the reason that it will make the regulation and the restriction of the traffic better and more far reaching and believe it will do more for the real cause of temperance than the present condition under which we live.

There was much bitterness in the committee. We heard speech after speech on the subject of temperance. I venture to say there were as many members of that committee who were temperance men that were on the wet side as were on the dry side, and it is to my notion a matter where bitterness and where hard feeling and all such motives should be pushed aside. This is a question of vital importance to the citizenship of this state. It is something which is akin to religion. It is something to which we as members of this Convention are bound to give our best and most earnest attention for the good of the citizenship of this state, and I do not believe with the member who spoke this morning that an intemperate man is a criminal. I do not believe for a minute that that unfortunate man should be punished as a criminal. To my mind he is more of a man who is sick, who should be taken care of and who should be treated, and that he should be treated with a kindness that goes so far that the state would look after him and protect him as far as possible, not removing the temptation from him, but making him strong enough to resist temptation. And I believe that this evil which we have and which we must recognize, and which we must decide as brothers in this Constitutional Convention, must be approached with extreme care and in the spirit of brotherhood.

I was very strongly impressed with a little book I read called "John, the Unafraid." It was a book, the author of which was not named. He is a Chicago gentleman who has made a considerable study of the social question, and he wrote a little book called "John, the Unafraid," in which he gives the views of John, the Unafraid on the temperance question. I will read you a short extract from the book:

## Chapter I.

On the seventh day of the seventh month, in the year of our Lord (being one of the years of the first quarter of the century), the nations were notified by the astronomers that a new planet had become visible, similar to but much larger than the sun, and that in just forty-two months it would strike and destroy the earth and every living thing thereon. At first some doubted, but it was soon believed by all of the people who dwelt upon the earth.

II. When it became known that the end was fixed and that the world and everything thereon must surely pass away, there was great commotion and much anguish among the people.

III. And all those who were idle and those who labored busied themselves with great fear. Those who tilled the soil left the fields and hastened to the cities, to talk and pray over the impending disaster. Many cursed the day of their birth, while many spent the day and night in fast-

ing and prayer. The rich and powerful in all the earth took thought and besought men of science for some way of escape, and traveled in haste from one astronomer to another, begging that a new examination be made, hoping for comfort therefrom.

IV. Those who worshiped the Christ gathered in church for constant prayer, and in the synagogue the disciples of Moses prayed for salvation to the Most High. Remote lands were full of fear, and in great trembling the people called upon the Great Buddha and again upon Confucius to aid them in their distress. In the large cities the streets and byways were constantly thronged with those who called upon the Christ to come again and save the world, while others scoffed at them while they prayed, shouting into their ears: "Come, ye cowards, have you not heard the mandate, 'eat, drink and be merry, for to-morrow you die?'"

V. Chaos reigned in all the earth. Each neglected his usual task, to seek and find his own safety. The sick, unfortunate and tender were neglected and all the people were afraid.

VI. Now there lived in one of the great cities a man ripe in years, of a sad experience, strengthened with adversity, and with clean hands and a pure heart. His name was John. He was a worker in wood for his daily bread, and among the poor, in his church and in the streets, he taught lessons of simple love and truth.

VII. And in all the great city, John alone was undisturbed by the great fear that had overcome the people, and pursued his daily work, according to his custom, with great industry, sobriety, and honesty. He refused to quit his task during the hours of labor to meet for prayer, and gave to his church only his accustomed duty.

## Chapter 14.

And on the evening of the next first day, one David came to the Church of the Brotherhood to teach and preach in the cause of temperance. With great truth and force he portrayed the evil of strong drink, and offered many remedies for it. Much enthusiasm was aroused and, according to custom, many spoke, some offering one and some another remedy. Some men advised the forceful annihilation of the traffic.

II. During all this John sat silent until called upon, and then said: "I have thought of this for years. I fear that I am not yet able to speak in kindness, and you know our rule, 'He who bears unkind thoughts shall be silent'. When I think of the traffic as a business, I must be silent, but when I think of the men who are in the business, I must say, they are our brothers; more than that, we are partners in their business.

III. Must we hate our partner for carrying on our partnership affairs? Are they the whole cause of our intemperance? Do we hate the farmer or the baker for our gluttony, or the jeweler or the dressmaker for our vanity? Shall we blame the maker of our cot and pillow for our indolence, or accuse the merchant for making us spendthrifts or profligates?

## Traffic in Intoxicating Liquors.

IV. You say we must get rid of the wineshop. If so we must go out of partnership in the business and go in honor. We tax them for making it, and with the money build our ships and pay our soldiers for our country's defense. After taxing all their property, we charge them a special license to sell their goods to our other brothers, and with this money pay for the police and fire protection of all our houses, and build streets and sidewalks in front of our churches.

V. Come let us not be too virtuous while our cloak is marked with the scarlet letter. Let us not be intemperate in temperance.

VI. Our good brother tonight says we must condemn this business. Surely we do, but in what manner? Shall we burn and destroy and right wrong with wrong? There is a lawful way to condemn. Are the money worshipers ready to try that? We wish any brother's lot on which to build a school, it is for public good, and we take it whether he will or not, but we pay him for that which he has lawfully earned.

VII. Within a block of our church is my brother's wineshop. I visit him often and know him well. He receives me with kindness, even though I speak for the cause of temperance within his door. He is a lawful citizen; his family is to him what yours is to you. He is our partner. If paupers and criminals are made there, we must share with him in that, as we also share with him the profits of his business. Partners must share losses as well as gains.

VIII. May we not, as a nation, say to him, "We believe it for the good of all to stop our business. We will lose our share and pay for yours." Think you not it would be a great day in the Master's business?

IX. Meantime, there are many other things that we may do. We can obey the Master's message to look not upon the wine, and heed the warning and warn others that at last it stingeth like an adder. We may not fill all the pits, but we may watch thereby and warn those who pass. We may, if we 'render unto Caesar the things that are Caesar's,' induce our country to part with its interest in the pits, and in honor, justice and kindness, close them up forever.

X. Pardon my speaking. I have much in my heart I cannot find words to say. I visit the jail every week. I know most of them find the road there. I saw last week the poor, sick boys in a reform school, and saw the the prenatal marks of weakness there. I have been in our poorhouse, and know the sad stories there. I have seen hungry, innocent children; I have seen the sister's blush of shame, and mother's tears; I have seen our best and noblest fall. I have watched by the bedside of friends and brothers, chased by furies of hell itself.

XI. And then have I prayed for patience and wisdom, and that which seemed wisdom yesterday, seemed childish and weak today. If I could be blessed with wisdom to solve this great question and so bless the Son of man, I would willingly give

my poor life, with only one regret, and that is that I have so little to give in this branch of the Master's business.

XII. We must go on; the harder the task the more the kindness is needed, and if we fail for a time, the Master's hand will smooth the rough edges of our unfinished work.

In this spirit, my fellow members of this Convention, we could solve the whole liquor question, and in this spirit I believe the first step towards that solution would be to support the King proposal.

Mr. ELSON: I do not expect to say much on this subject and I shall not inaugurate any new lines of argument. It seems to me that everything has been said in the way of argument that can be said, but I do want to register my opinion.

I have in my hand a communication from the German-American Alliance of the state of Ohio. I suppose every member has received one the same as I have. It is signed by John Schwaab, president, and Henry Albertz, secretary. It says, "The German-American Alliance in the state of Ohio is heartily in favor of the so-called King proposal, concerning the submission of the license question separately to the people, and beg of you to use all your influence to bring about this result." Now, I do not know who John Schwaab and Henry Albertz are, and no address is given, so I could not reply to them by mail, and I will reply here. I beg to say I do not intend to give all my influence in that direction.

A little further on they ask me to use all my personal influence not to have any woman's suffrage clause submitted to the people in any manner whatever. We are not talking on woman's suffrage now, but I wonder why the people of Ohio should not have the right to vote on that or any other question. I think if the people of Ohio want to decide on the woman's suffrage question they have a right to vote on it, and the same thing is true of any other question.

Now I claim to be liberal. If my neighbor wants to take a glass of beer once in a while, it is none of my business. I am not one of the class of radicals who assert that the taking of a glass of beer or something else is *per se* a wicked thing to do. I do not take any such grounds. I have some very intimate friends who have beer in their homes and very often at night before going to bed they will get out a bottle of beer and eat a little and take a little beer as an evening beverage just as some of us would take tea or coffee. That is their affair. They are perfectly good, sober people. They never get boozy at all. I do not consider it is any of my business to criticise them to such a degree as to say they shall not do that if they want to, although I may not approve of it personally.

Mr. HALFHILL: What does the member mean by *per se*?

Mr. ELSON: Has the gentleman ever studied Latin?

Mr. HALFHILL: Oh, yes.

Mr. ELSON: *Per se* means, in itself—alone.

Mr. HALFHILL: Not in the other fellow?

Mr. ELSON: I cannot agree with the gentleman from Lorain [Mr. REDINGTON]. I insist on saying "gentlemen" instead of "delegates." I cannot agree at all with him that it is a proper thing to treat a confirmed drunk-

## Traffic in Intoxicating Liquors.

ard as a criminal, that is, in the worst sense of the word. Of course, something must be done with him, but I cannot agree to bind him hand and foot and cast him into outer darkness. The fact is that he is the victim of a disease. He has erred greatly, it is true, at some period of his life, but it is also true that he has become a helpless victim of a disease, and he has no power to straighten up and come back to life and make a normal man of himself. He is past that. Society must take care of him in some way or other. Perhaps it is just as well to send him to the workhouse once in a while.

Mr. ANDERSON: Do you believe in establishing public places where people can contract that disease?

Mr. ELSON: I am coming to that. When it comes to actual guilt, I believe the man who sells the drink and the man who encourages the setting up of places for that purpose are worse than the man who drinks. Does that answer your question?

Mr. ANDERSON: Yes.

Mr. ELSON: If we can strike at the root of the matter is not that better than merely to lop off the branches? The gentleman from Lorain [Mr. REDINGTON] this afternoon also spoke against the limitation of one retail liquor saloon in a thousand population and he brought up as his argument against that, that perhaps there were ten people in a township or a village of a thousand people who would like to engage in the liquor business and here we are shutting them out, all but one, and lo! where are the nine? Is not that a strong line of argument? I know of at least ten people who would like to be elected next fall president of the United States. There may be one hundred and eighteen people in this Convention who would like to go to congress or to be governor of Ohio, but we know a good many of them will be disappointed. Though according to the gentleman from Lorain [Mr. REDINGTON] we should multiply offices so as to give places to persons who want them.

Mr. RORICK: Will the gentleman yield for a question?

Mr. ELSON: With all my heart.

Mr. RORICK: Do you propose to have saloon keepers elected by the vote of the people like members of congress?

Mr. ELSON: I should not object to it. That is a new idea and I believe I will adopt it. It is good.

The gentleman who brought this argument up acknowledged that there were many evils in connection with the business, and yet he wants to license ten men in a single little township just because there are ten men who want to go into the business and because it is probably a paying business. Suppose there were twenty or fifty who would like to go into the saloon business, accepting that line of argument, it would be wrong to shut out any of them. Let them all go in if they choose; and yet he acknowledges there are many evils connected with the business. I am sure if there were no evils connected with the business we would not be standing here debating the subject today. The very fact that there are many evils connected with it explains why we should consider it necessary for the great state of Ohio to protect its humanity and Christianity from the evils of this traffic as far as it is possible to do so. Now sup-

pose then ten or fifteen or twenty men in a township or village would engage in the saloon business. What would it mean? Each one would want to make a living. The ordinary demand for liquor in such a small place would not give each one sufficient business that he could make a living out of it. What then? Each would solicit business as far as possible. He would try to get all the business he could so his business would pay—that is, he would seek new customers. Where would he get them? The ordinary customers in the saloon would not be sufficient to give each of those men business enough to make it pay, so he will have to look out and go out in the highways and byways and seek new customers, and whom will he find? There is only one answer. The boys! Now I don't want to get sentimental. I don't intend to, but I do say this, that not only as individual members of society, but as a state and as a community, it is our business to look after the boys as far as it is possible to do so. Why do we have public schools? Is it not for the purpose of giving the boys and girls such a start in life, such a training during their tender years, when they can't take care of and act for themselves—is it not for the purpose of giving them such a foundation in life that when they grow to maturity they will become good citizens, become strong men and strong women, able to make their living in the great current of life? Do we owe anything in particular to the boys and the girls while they are too young to think and act for themselves? Our public school system answers the question. Yes, we do. What is society doing in educating its children? It is doing nothing more nor less than taking care of itself. It is doing nothing more nor less than educating the young for the future, so the future generation will be as strong as the present. Do away with our public schools in Ohio and in the first year we will save \$10,000,000. Then the second year we will save \$10,000,000 more. Certainly we would be better off financially by doing away with the public school system. But what would Ohio be in thirty years from now? We would be back in barbarism with all the money that we had saved. Then, gentlemen, we owe something to the boys. We owe them a decent training in good citizenship. If anybody is transacting a business which we all acknowledge is a business that destroys boys, that destroys their character, that destroys their chances to take their places among their fellows when they grow to maturity—if there is such a traffic, is it not our business as the custodians of the public welfare, as those who look forward to the future of society, as those who constitute society today, acting for its welfare in the future—is it not our business to do all we can for the boys?

Well, it may be said that society as a whole has no right to act for the individual, that the individual's morality is not a matter of public policy. That is only partially true. In acting as the custodian of the public morals, society is simply acting for itself, acting for its future welfare. And it may be objected that the individual has a perfect right to be utterly immoral as long as he does not interfere with his neighbor. That is the general principle upon which our government is based. I agree that society as a whole has no right to interfere with the individual's personal liberty, as long as his action hurts no one but himself, any more than society has a right to prescribe his religious creed. That is

## Traffic in Intoxicating Liquors.

true to a certain extent, but not to the fullest extent. We know there are laws against the use of cocaine. We know that there are laws against the use of opium. There are laws against attempted suicide. Now these are laws that prove that society does sometimes interfere with the individual to save him. And, as stated, society is acting for itself when it does this, because he is a member of society and, especially if he is young, he is a future citizen, and it is society's business to make the future citizenship as strong as it possibly can. Then I say society has not only the right, but it is its duty, to do just as much as possible towards training of the young in such a way that they will be strong and self-reliant when they grow to maturity.

A day or two ago someone, speaking on this subject, made some reference to certain lobbyists who were here paid to do so and so. Now, of course, we know that the reference was to the Anti-Saloon League. I want to say I never had any connection with the Anti-Saloon League. I have observed some of its actions in the last few years, and I will just give this statement as to my impressions. If there is any selfish motive about the existence of the Anti-Saloon League, I don't know what it is. I don't know who it is that can make any money out of it. Is it not a great philanthropic movement for a purpose? And what is that purpose? The purpose is to save the boys for the future. As I said, I have no connection with the Anti-Saloon League, but it strikes me that I have more respect for it than I have for the Liquor Trust which has an object in what it does, namely, to make money out of it.

I made a statement a week or two ago—I was writing an article for publication about this Convention, and among other things I made this statement. I hope I was right in it. I said that in my opinion this Convention was a strong, virile, serious body of men, that it was not swayed, and would not be likely to be swayed, by the interests of any particular corporation whatever. I believed I was right. I still hope I was right. I have had some reason, however, to question whether or not I was right. I have some reason to believe that there is a possibility that there is just one great corporation, and that is the Liquor Trust, that has some kind of sinister sway among some of the members of this Convention. I would not dream of mentioning any names because I do not know it and I may be entirely mistaken. I hope I am. But I do know this, that the Liquor Trust has gotten into politics. It is democratic here and it is republican there, and I believe it would be prohibitionist in some places if the occasion arose. I know that the Liquor Trust tries to dictate laws to every state legislature from ocean to ocean. And while, as I said, I hope I am liberal, I will strike at the Liquor Trust whenever I can. I have heard a thing or two that I hope is not true. A few days ago I heard that the Liquor Trust was going to come out flat-footed opposed to woman's suffrage. I have been on the fence on that subject for a long time. I would not work nor speak against woman's suffrage. I would not have the courage to do it. But I am not sure I would vote for it. It seems to me it would be adding to the duties that the weaker sex already have a great burden of, other duties that we should take care of; but we are not going to discuss that now. I know the president is just

about to call me to order and say I am off the question, so I will get back to the question.

Mr. ANDERSON: Do you believe that any of the delegates can be consistent and vote for a separate submission of the liquor question and not for a separate submission of the question of woman's suffrage?

Mr. ELSON: It would not seem so to me. It seems to me if a delegate is willing to put the liquor question before the people as a separate proposition he should also be willing to put the woman's suffrage question before the people. Have not the people the right to decide on anything they want to decide on? I have stated what this German-American Alliance had written to me without giving me any address. Now I just want to add that I am a German myself. I mean I came from Germany a hundred and sixty years ago. I am a pretty good American by this time. I know there are a great many German people who like to use beer, at least as a beverage, and let me say again, many of them are splendid, good people; but I do think this, that the spirit in America is so unlike what it is in Germany that these people, after they are here a while—say a hundred and sixty years—should conform themselves to American environments and American ways rather than continue in the ways they may have been used to across the water.

Now I want to bring in one more thought in connection with what I have heard about the Liquor Trust. I want to say clearly it is merely rumor. I do not know that there is a word of truth in it, but I mention it. It is the rumor that the Liquor Trust is going very carefully into the subject of school-books to the end of keeping out of our text-books all scientific statements of the evils of alcohol. I have heard that off and on for several months. I do not know whether it is true or not, but what I do know is, the Liquor Trust has tried to shape legislation in Ohio, and probably all other states in this Union, and in every instance it has done this for the purpose of making in such a way a larger market for its goods. That is all. It has no possible thought of the morals of the rising generation. Now, would it not be in keeping with these same acts in the past for that great trust to attempt to shape our schools? I know of a single instance where there was a school election not many months ago in which it was said that two members who were running for school directors had been chosen by the Liquor Trust and the purpose was to have their influence to put out any school text-books that made reference to the evils of alcohol. I did not believe it. I voted for the two men proving that I did not believe they were running for such a purpose. That great Indian warrior of the eighteenth century, Pontiac, heard that a friend of his had been offered a bushel of silver if he would deliver him to his enemies and that the friend had accepted the offer and would do so. At the first opportunity Pontiac went to the man's house. He had in his pocket the letter which had informed him of the man's intended treachery. He had such confidence in his friend that he asked of him the privilege of staying over night. He slept in the house and in the morning showed his host the letter, all of which proved that his confidence in his friend's fidelity was very great.

So I voted for these men because I did not believe the story. However, might it not be true that the Liquor Trust is maneuvering for something of that kind, to get

## Traffic in Intoxicating Liquors.

the right men on the school boards in the various cities and towns for the purpose of eliminating all references to the evils of alcoholism from the text-books that the children use? Now, what would be their purpose? To enlarge the market for their goods. Nothing else. Saint Paul was certainly right when he said "The love of money is the root of all evil".

The PRESIDENT PRO TEM: Will the member yield for a recess.

Mr. ELSON: I only intend to speak three or four minutes longer, but I will yield.

On motion duly seconded and carried the Convention took a recess until 10 o'clock tomorrow morning with the member from Athens entitled to the floor at that time.