

THIRTY-SECOND DAY

MORNING SESSION.

TUESDAY, March 5, 1912.

The Convention met pursuant to recess and was called to order by the president.

Mr. KING: It has been said that we should count each day lost that does not bring some new information or experience.

I had supposed in drafting the proposal I have offered as a substitute or amendment to the pending proposal that I had reached very near the summit of perfection, but after we took a recess last evening very kind friends undertook to tell me where I had made some mistakes. And, in view of one suggestion that was made, I want to say that if we reach the stage where it will be parliamentary and proper I shall strike out from that proposal the last two words "wherever licensed," and having said this much I want to say I have finished my debate on that proposition.

Mr. WINN: I wish Judge King would explain the words that he will strike out.

Mr. KING: I said "wherever licensed."

Mr. WINN: Then those are the last two words of the last paragraph?

Mr. KING: Wherever they occur.

Mr. WINN: If I may have the attention of the Convention for a few moments, under the motion prepared and offered by the member from Cuyahoga [Mr. DORY] adopted a few days ago, it seemed that the member from Erie [Mr. KING] and the member from Defiance [HIMSELF] were to have twenty minutes each to close the debate, and I want to say that neither the member from Erie nor the member from Defiance had anything to do with fixing that limit, and I would much prefer that someone else had my twenty minutes. But I have a notion that I shall consume only part of that time.

Now I desire to say a few words before making a motion. I do not regard the so-called amendment suggested by the member from Erie [Mr. KING] to his Proposal No. 4 as adding much to the virtue of the proposition. In striking out the words "wherever licensed," or if they are stricken out, it will add something to the amendment, because I believe it would be extremely dangerous to leave those words in, but I take it for granted that this Convention went on record last week in such an emphatic manner that it is not likely, after a few days rest and consideration, to reverse itself. In other words, a decisive majority—a very decisive majority—of the Convention last week said it would not stand for an unrestricted license proposition such as the one embraced in the proposal offered by the gentleman from Erie. As I said a moment ago, there is nothing in the amendment offered that has added to it, if the argument of the member from Erie was correct last week, because it is now confessed to be the purpose of the author to merely clear away some of the uncertainties and make the proposal mean what he declared last week it did mean. He was able to convince some

members that it meant just what he said it did, even some laymen, who marvelled at the inability of the members of the legal fraternity to get together upon it—they were made to see that it meant just exactly what it ought to have said. But that is not the question. I take it that there is no change of sentiment so far as the King proposal is concerned; I have heard none. Upon the other hand, I have heard of several who are now more firmly convinced than ever that the people of Ohio are not ready to accept an unrestricted license proposal. Saturday evening I stepped into a place of business conducted by two young friends of mine who are in my judgment the most liberal of all the liberal persons with whom I have ever talked. I explained to them that the proposal of the member from Erie submitted to the legislature the right to fix all limitations and that those who agree with the minority report ask that there be a limitation of the number of saloons, and when I suggested one retail place for each one thousand of population in a moment everyone present—and I was the only one upon my side of the question—said that the people of Defiance county—which you know is a pretty wet spot—would never stand for an unrestricted license proposal. I thoroughly believe, although at the election the county which I represent gave an enormous wet majority, if we go before the people of Defiance county with a proper restricted-license proposal it will receive more than two thousand majority at the hands of the people, and if we may have a proper proposal restricting the number of licenses, a proposal barring the right of a brewery to own and conduct a saloon and containing such other restrictions as will make it a good, safe, wholesome measure, it will be my greatest delight to go out among the people and ask everyone to vote for it. I believe it will receive a greater majority among my people than any of the proposals we can suggest; but if we go before the people with an unrestricted license proposition, it will be overwhelmingly defeated. I believe that is the sentiment all around. There is before us this morning a proposition which the newspapers denominate a proposal by the middle-of-the-road fellows. I don't know what that means. Some men told me it means that class of delegates who want to do something and if possible please both sides, like the man who belongs to church and wants to worship God without offending the Devil. We have that in all churches, especially the Methodist church, to which I belong, and I assume in the Convention we have men of that same sort, men who will be pleased to vote some restrictions into this proposal. They want it possible to vote some restrictions into this proposal, but they want it possible to vote some restrictions in that will not be offensive to the brewery interest. That is a hard proposition, and we had as well understand it now. I want to say in regard to the amendment offered by the member from Huron [Mr. HARTER], the proposal granting to each municipality and township the right to determine how many saloons it shall have, that suggestion in my judgment is the most harmful of any

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that has been made on this floor. Some men will insist that that is home rule, but you must remember we are dealing with something in which there can be no such thing as home rule. No man ever made a suggestion that each township or each locality should determine how many schools it shall have, or how many school days? Why? Because, as it is written in our constitution, education is necessary to a good government, and we deem it of interest to every man and every woman within the whole borders of the state that we shall have a good school system and that it shall prevail in every part of the state. Every man must know that where there is a great number of saloons, where the tendency to overindulgence in strong drinks exists, there is a tendency toward degeneracy of man. A few days ago some one took up a book of statistics and read concerning crime in some of the counties, and when the book was laid down I picked it up and said, "I wonder how it stands as to suicide?" I turned over to a page to ascertain the facts and looked at Greene county, because Greene county had been mentioned in the questions asked, I found that of all the deaths in Greene county, 9.54 per cent were by suicide. Then I looked at Erie, because there are more saloons to the square foot in Sandusky county than any other place on earth — I mean this part of the earth — and I found that in Erie the deaths were 27 — almost 28 — per cent by suicide.

Mr. STAMM: Did you go a little further to see how many were drowned in the lake?

Mr. WINN: I said by "suicide." They may have been drowned in the lake. I know that men and women who have been brought to the brink of despair from drink are as likely to take their lives by drowning as by poison. Perhaps there may be a greater number commit suicide in the lake than any place else, because, as has been suggested to me right here, it is cheaper. Now I say, away up in Northwestern Ohio where I live, I am interested in the number of saloons that shall exist in Cincinnati, and we are interested in the number of saloons allowed in Marietta, the point farthest removed from Defiance, because I know and you know, if you will be honest with yourselves — we all know wherever saloons are permitted to exist, wherever drunkenness prevails to the greatest extent, there is the greatest tendency to degeneracy in man. We all know that if we are honest, and that being so, we are all interested in the regulation of the traffic in Marietta as in Defiance, because when we graduate from the saloon a school of citizens, we send them out to other parts of the state, and we are all interested alike in building up the manhood of the state to the very highest possible degree. Therefore we can not say on this question like we would on any other, "Leave it to each municipality, or leave it to each township, to determine the number of saloons."

Sometime ago a man told me he went up to Wisconsin hunting and he was met by an officer who said, "You must pay a license fee of \$25 to hunt in these forests." That was put there as a protection of the game. Would you have that proposition so that each municipality and each county in the state of Wisconsin could determine how much the license should be, and how many licenses would be allowed or whether any would be allowed? Would you think a statute enacted by our legislature

saying that each county in this state should decide in reference to its game laws, when they should go in effect, when they should terminate and when it shall be lawful to shoot quail and pheasants and things of that sort? Why not make home rule respecting that? Because we are all equally interested. We are equally interested in protecting our song birds. We are equally interested in protecting our insectivorous birds. So we are equally interested in limiting the saloons just as much as we are interested in education, and therefore we are all equally interested in having a good restricted-license law.

Now as I say — as I said in the beginning — I don't believe there is any considerable number of men on this floor who takes seriously the amendment proposed by the member from Erie to his original Proposal No. 4, and I move you therefore that the substitute amendment offered by the member from Erie be now laid on the table.

The motion was seconded.

Mr. DOTY: And upon that I demand a roll call.

The yeas and nays were taken, and resulted — yeas 72, nays 35, as follows:

Those who voted in the affirmative are:

Anderson,	Harter, Huron,	Norris,
Antrim,	Henderson,	Nye,
Baum,	Holtz,	Okey,
Beatty, Morrow,	Hoskins,	Partington,
Beyer,	Hursh,	Peters,
Brattain,	Johnson, Madison,	Pettit,
Brown, Highland,	Johnson, Williams,	Price,
Cassidy,	Jones,	Read,
Cody,	Kehoe,	Rockel,
Collett,	Kerr,	Shaw,
Colton,	Kilpatrick,	Smith, Geauga,
Crites,	Knight,	Solether,
Cunningham,	Kramer,	Stevens,
Donahey,	Lambert,	Stewart,
Dunlap,	Lampson,	Stilwell,
Dunn,	Leete,	Stokes,
Elson,	Longstreth,	Taggart,
Evans,	Ludey,	Tannehill,
Farnsworth,	Marriott,	Tetlow,
Fess,	Mauck,	Wagner,
Fluke,	McClelland,	Walker,
Halenkamp,	Miller, Crawford,	Watson,
Harbarger,	Miler, Ottawa,	Winn,
Harris, Ashtabula,	Moore,	Woods,

Those who voted in the negative are:

Bowdle,	Hahn,	Riley,
Cordes,	Halfhill,	Roehm,
Crosser,	Harris, Hamilton,	Shaffer,
Davio,	Harter, Stark,	Stalter,
DeFrees,	Hoffman,	Stamm,
Doty,	King,	Tallman,
Dwyer,	Kunkel,	Thomas,
Earnhart,	Leslie,	Ulmer,
Fackler,	Malin,	Weybrecht,
Farrell,	Marshall,	Wise,
FitzSimons,	Peck,	Worthington.
Fox,	Redington,	

The roll was verified.

Mr. PIERCE: I desire to announce a pair with Mr. Eby on this whole matter.

Mr. ANDERSON: The next proposition to be considered is one that was introduced by myself. As is evident to everyone, it will be necessary, before we can have this problem settled, to have a skeleton to which we

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can offer amendments. That skeleton ought to be one that most easily admits amendments, and with that object in view I wish to call attention to the proposal or amendment that will be voted on next—either to table it, which I do not believe should be done, or to make it the skeleton on which amendments can be offered.

This first part, on page 7 of the journal of yesterday, after the words "For License," is practically the same as in all other proposals introduced. Consequently I shall take no time in discussing that. The purpose of it is to permit the keeping of all temperance regulatory laws, either in local option or other statutory enactments. Then, continuing on page 8, we have:

No license shall be granted to any person who at the time of making such application is not a citizen of the United States, of temperate habits and good moral character.

Now, is there any objection to that by anybody? Will there be any change in sentiment on that question in the next fifty years?

Mr. ULMER: Will the gentleman yield?

The PRESIDENT: Does the gentleman yield?

Mr. DOTY: It will be taken out of your time.

Mr. LAMPSON: In view of the fact that the amendment pending is one offered by the member from Mahoning, I ask, in order to give him time to yield to questions, an extension of fifteen minutes in all.

The PRESIDENT: If there is no objection the time will be extended.

Mr. ULMER: I want to ask the gentleman from Mahoning [Mr. ANDERSON], if the provision cuts out any body from the business who is not a citizen of this country—does it not conflict with our international agreements? As far as I know every American citizen has the right to enter into business in any foreign country, equally the same as any citizen over there.

The PRESIDENT: The member is not in order.

Mr. ANDERSON: This matter has been settled in Pennsylvania. In Pennsylvania they have a statute saying that only estates of citizens of Pennsylvania who are killed have a right of recovery. That was tested in the supreme court of the United States and it was held that in Pennsylvania they could extend that right to the citizens of Pennsylvania and to no one else, and I can refer you to the volume and page of the report if you wish.

In our county men come over from the Old Country who don't know our language and they start saloons that are the worst places in the country. There are more murders and more difficulties. I don't believe a man who knows nothing of our customs and laws ought to be permitted to engage in this kind of business which everybody feels is an evil. I read the other day where no man has any inherent right to engage in the business. I do not presume this will lose any votes anywhere, if you prevent foreigners from engaging in the business, because foreigners can't vote.

Mr. FESS: Do you mean a man who is not a citizen cannot vote?

Mr. ANDERSON: Not a citizen of the United States?

Mr. FESS: Yes.

Mr. ANDERSON: I think he must be naturalized. Do you think that would lose us any votes, and if so what class of people?

No license shall be granted for a longer period than one year, nor shall license be granted to any applicant who is in any way or manner pecuniarily interested in the business conducted at any other place where liquors are sold or kept for sale, nor shall such license be granted unless the applicant or applicants are the only persons in any way or manner pecuniarily interested in the business asked to be licensed, and that no other person shall in any manner whatsoever be in any way interested therein during the continuance of the license, and if such interest of such other person be made to appear the said license shall be deemed revoked.

Those words prohibit any saloon being owned by brewers. It is copied nearly word for word from the Brooks law in Pennsylvania. It is not my language, but it is the language that has been judicially interpreted by many decisions in Pennsylvania. Therefore I believe it is the best language to eliminate the brewery-owned saloon that we can use.

If any licensee is more than once convicted for violation of the laws in force to regulate the traffic in intoxicating liquors, the license of said licensee shall be deemed revoked, and no license shall hereafter be granted to such convicted licensee.

Now there is a typographical mistake there. That should be "thereafter be granted" instead of "hereafter." At the proper time that will be corrected by amendment. That is simply a misprint.

The only people who are affected by this are those who want to engage in the business and do not want to be law-abiding. I do not suppose any of us want people in the business who intentionally will not be law-abiding.

Mr. STILWELL: Don't you think it would be easy to obtain a violation of that clause by an enemy of a man in the business?

Mr. ANDERSON: How?

Mr. STILWELL: I can imagine.

Mr. ANDERSON: Then let us have your imagining.

Mr. STILWELL: Keeping open late—after hours.

Mr. ANDERSON: The enemy couldn't get in if the place were locked up.

Mr. STILWELL: Would you insist it was a violation of the law if a man was open five minutes after time?

Mr. ANDERSON: I don't suppose they would revoke a license on a technicality.

Mr. STILWELL: It states that and are we not getting to a pin point?

Mr. ANDERSON: I think you are making a pin point of this provision. Don't you know that in every state where they have a license clause they have such provision? Don't you know that everywhere where there is a license, the license can be revoked if the li-

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cense did not obey the law? That is really a strong argument in favor of the license.

Mr. THOMAS: Could not that provision be left to the discretion of the court?

Mr. ANDERSON: It could not be left to the discretion of the court. If you don't have the law somewhere you couldn't have the license revoked.

Mr. THOMAS: Could we not put in the constitution that it should be left to the discretion of the court?

Mr. ANDERSON: If the court might see fit?

Mr. THOMAS: Yes.

Mr. ANDERSON: Let us see: "If any licensee is more than once convicted for a violation of the laws in force to regulate the traffic in intoxicating liquors, the license of said licensee shall be deemed revoked, at the discretion of the trial court, and no license shall be granted thereafter unless the trial court" — no; I don't believe that will work.

And is there anyone who wants to stand up here and plead for a man who will more than twice disobey the laws we have made? It is bad enough to get up and ask favors for the saloons, but it is a great deal worse to get up and ask favors for a convicted criminal.

Mr. FARRELL: If it should come to pass we wanted to revoke the license for one violation, under this you could not do it.

Mr. ANDERSON: Yes, that is so. Does that worry you any?

Mr. FARRELL: No, sir.

Mr. ANDERSON: I did not imagine it would.

Mr. FARRELL: It might worry the voter.

Mr. ANDERSON: Well, I don't believe it will worry anybody on the side of the wets.

No application for license shall be granted unless the business for which license is allowed shall be located in the same county or an adjoining county to that in which the person or persons live and reside whose duty it is to grant such license.

Mr. PRICE: What is the purpose of that phrase "adjoining county?"

Mr. ANDERSON: I will try to explain that. I wish to leave to the legislature the full power to say in whom shall be lodged the license granting power. In other words, if you say it must be in the county, then by reason of that you prohibit the legislature from making a law that would permit the common pleas judge to issue the license. I am not saying whether it is wise or not because there are counties in which no common pleas judge resides. Under this provision the common pleas judge, the probate judge, the auditor or the recorder can be designated, or they can establish a license board in that place. But it does prevent a state board at Columbus from issuing licenses all over the state. It seems to me the real friends of license, who say they want a good law, ought to be only too glad to get that, because if you leave that absolutely indefinite so that later on the legislature, if it sees fit, can establish a board at Columbus to say where, when and to whom license shall be granted, license will never carry in Ohio. You have to prevent a board being appointed at Columbus. And I want to say whether you like the word "Dean" or do not like it, the people of Ohio have come to believe that "Dean" is the same thing as "liquor interests." I have seen an inter-

view with Mr. Dean where he says the thing to be desired is to appoint a board at Columbus. If I were a member of the Anti-Saloon League I would get out a pamphlet about license giving Mr. Dean's words, and would show that it means if license carries that the brewers are to have a board established at Columbus to say where, when and to whom license shall be granted.

Mr. PRICE: Suppose that language were out, would it not be possible to vest the license power in the common pleas judge?

Mr. ANDERSON: Yes, and it would be in the power of the legislature to have a board at Columbus.

Mr. PRICE: No, sir; it would not. If you take those words out, would it not be in the power of the common pleas judge to grant license and would it not be better to have the courts grant it?

Mr. ANDERSON: If you can change the wording so as to meet my ideas, I won't care. I want the substance and not the wording. I think there are twenty-seven counties in the state which have no common pleas judge.

A DELEGATE: Twenty-two.

Mr. ANDERSON: Twenty-two counties in this state have no common pleas judge. With your wording you would prevent the common pleas judge from issuing licenses in those counties.

Mr. PRICE: One county may be bounded by four or five other counties and the license could be issued in all five from one county.

Mr. ANDERSON: Yes.

Mr. PRICE: Is not that objectionable?

Mr. ANDERSON: Would it not be more objectionable to have a board at Columbus appointed by the governor?

Mr. PRICE: Could you have a board at Columbus if you took that language out?

Mr. ANDERSON: No.

Mr. PRICE: Then why do you want it kept there?

Mr. ANDERSON: You voted the other day so that they could have a board.

Mr. PRICE: If you take that phraseology out would not it prevent the board being established at Columbus?

Mr. ANDERSON: Any change you wish to make that will prevent a board at Columbus and still permit the common pleas judges to issue the license, if the legislature allows the license, is acceptable to me.

Mr. KING: Why not specify the common pleas judges then?

Mr. ANDERSON: There would be too much objection to that. Some want the county commissioners, some the probate judges, and where there is such a diversity of opinion it seems to me best to leave it the way we have it here. But tie the legislature down — "chain down the legislature" — to the extent that the legislature can not have a Columbus-created board.

Mr. TALLMAN: Why can't we chain down the matter now and let the common pleas court handle the license end of it?

Mr. ANDERSON: I would be perfectly willing for that myself, but there are others who don't think that should be done; but I want something of this kind so that it can not be done by a board at Columbus.

Mr. HURSH: I hope I can get fifteen minutes without interruption.

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Mr. DOTY: Well, you can't. You only have five minutes.

By unanimous consent the time of the gentleman was fixed at fifteen minutes.

Mr. HURSH: I appreciate the fact that the proposals under discussion, the one voted down last week and the one voted down just a few minutes ago, have been under discussion before the Convention for practically two weeks, and I assure you I am not going to say anything original or profound, because it was only a few minutes ago that I found I was expected to say anything on this proposal.

I am here to defend the amendment or substitute offered by the gentleman from Huron [Mr. HARTER] yesterday afternoon. I want to say to you in the beginning that it is a condition and not a theory that confronts us. Those are the words of another, you will recognize. In other words, assuming every word that has been spoken here on this floor condemning the saloon is true, and for argument's sake I want to say to you that the extreme dry people of the Convention have not submitted statewide prohibition and that is evidence in itself that you can not at this time have prohibition in the state of Ohio. Therefore, we are confronted by a condition; and it matters not what your personal opinion may be, we have the saloons, and we are going to have them for some time to come. For that reason we must confine our thoughts to the proposition before us and I regard it as necessary that some limitations and restrictions be put upon this saloon business.

Now I occupy an unique position here. I think there are less than half score men here in my class. I occupy the position of thus far voting against every license proposition that has been before the Convention. I think only about half a dozen can say the same thing. Notice this proposal for a moment. I wish to call your attention to this clause, "And the general assembly shall authorize municipal corporations and townships to provide for the limitation of the number of saloons and for the payment of the amount of license fees, in whole or in part"—

Now let me stop just there. We people who are known as the middle-of-the-roads, haven't come here to fence for advantage, as the two extremes have been doing for two weeks. We have come here to reach a reasonable conclusion. If it is objectionable to the Convention, this part which says "And for the payment of the license fees in whole or in part" should be stricken out. We don't object so very much, but we would like to urge upon this Convention to adopt this proposal in order, as Mr. Anderson says, that it may be a skeleton around which we can frame up a proposal that will be satisfactory to at least a majority in the Convention, and I believe a majority of the people in Ohio, regardless of whether they are wet or dry.

I will not take up the time to read this in regard to restrictions. I do not know much about the saloon business myself, but I have made some inquiries, and I believe it is the consensus of opinion of a great majority of the people in this Convention and of the people in Ohio that we should divorce the wholesale liquor business and the manufacturing from the retail business. I believe that needs no argument. I will notice for a moment some features of the Anderson proposal. The first

proposition is that license shall be granted for one year. That is legislative. I would not insist that the license should be granted for more than one year, but if a man is in the saloon business and it is satisfactory, I don't see why it should be changed. In any territory where you have a restricted number of saloons, if one man is denied the license, another will get in; and the only objection to the feature is about the man's being convicted more than once. I can see that that could be abused. I see that traps could be laid by men who are saloon men themselves who could fix a way by which the other man could be beaten out of his license. We are seeking to place something before you that is reasonable and acceptable. It may not be just to the liking of us all—I dare say no proposition can be submitted that is to the full liking of every man except the man who submitted it—and waiving the slight technicalities and slight differences we must realize we have to come to some understanding, and I hope you will vote down this amendment and then vote down the Anderson amendment. Then we will have a few slight alterations in the amendment of the delegate from Huron [Mr. HARTER], some few changes, although the changes will not vary much from the straight proposition already offered.

Mr. ANDERSON: Is it not a fact that under the wording and phraseology instead of the saloonkeeper paying the license fee the township would have to pay it?

Mr. HURSH: I think I have said something like this—

Mr. ANDERSON: I mean as it reads in the journal.

Mr. HURSH: Yes; that is true.

Mr. HALFHILL: Following out the line of remarks I have heretofore submitted, I want to present for the consideration and intelligence of this Convention the fact that there is now in Ohio a license system of the broadest kind, under which a legalized traffic is going on, in which the state of Ohio has the worst end of the partnership. It seems to me the distinction that anybody draws between a license and a tax is nothing but a metaphysical distinction. The supreme court of Ohio, in the cases I read to the Convention the other day, has said that we now have in existence a legalized traffic in intoxicating liquors in the state of Ohio which is just as legal as any other form of merchandise, and yet by virtue of the stumbling block in the constitution against licensing this traffic, we are not able to reach out and put upon it by a tax system as now administered any restrictions whatsoever, or practically no restrictions, for the purpose of doing away with any particular class or any particular number of saloons.

Now what is the situation that addresses itself to us here? A number of gentlemen here propose and support a license proposition which they desire to load down with a number of restrictions in the form of legislative enactment that it is absolutely impossible to get into the statute books of Ohio under the present constitution. Are you not satisfied to lay the broad fundamental right to levy a license and issue a license and give the right to the legislature to put upon the statute books that which you can not put upon the statute books today? What is the consistency of that position? We will never get away from the present stumbling-block in the constitution unless we follow up the proposition I read for in-

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formation the other day, and which I desire to offer before I leave the floor, and that is to give the people of Ohio the right to vote upon the proposition of license or state-wide prohibition. Let the people understand that this Convention has enough stamina to put the seal of its disapproval upon the present negative license clause in the constitution, as it ought to do, and submit to the people of Ohio a clear-cut proposition, the question of state-wide prohibition or the right to license this traffic, and then you have submitted something for the people to take an intelligent vote upon. In addition to the authorities I read the other day from our supreme court, I want to read to you from the eleventh edition of the Encyclopedia Britannica an article under the title "Liquor Traffic," and under the discussion or sub-head of "State Prohibition," and I take it that whenever such an article appears in the Encyclopedia Britannica it is the last word that can be said on any question of this importance:

STATE PROHIBITION.

In a few states no licenses are allowed. State prohibition was first introduced in 1846 under the influence of a strong agitation in Maine, and within a few years the example was followed by the other New England states; by Vermont in 1852, Connecticut in 1854, New Hampshire in 1855 and later by Massachusetts and Rhode Island. They have all now after a more or less prolonged trial given it up except Maine. Other states which have tried and abandoned it are Illinois (1851-1853), Indiana (1855-1858), Michigan, Iowa, Nebraska, South Dakota. The great middle states have either never tried it, as in the case of New York (where it was enacted in 1855, but declared unconstitutional), Pennsylvania and New Jersey, or only gave it a nominal trial, as with Illinois and Indiana. A curious position came about in Ohio, one of the great industrial states. It did not adopt prohibition, which forbids the manufacture and sale of liquor; but in 1851 it abandoned licensing, which had been in force since 1792, and incorporated a provision in the constitution declaring that no license should thereafter be granted in the state. The position then was that retail sale without a license was illegal and that no license could be granted. This singular state of things was changed in 1886 by the "Dow law", which authorized a tax on the trade and rendered it legal without expressly sanctioning or licensing it. There were therefore no licenses and no licensing machinery, but the traffic was taxed and conditions imposed. In effect the Dow law amounted to repeal of prohibition and its replacement by the freest possible form of licensing. In Iowa, which early adopted a prohibitory law, still nominally in force, a law, known as the "Mulct law," was passed in 1894 for taxing the trade and practically legalizing it under conditions. The story of the forty years struggle in this state between the prohibition agitation and the natural appetites of mankind is exceedingly instructive; it is an extraordinary revelation of political intrigue and tortuous proceedings, and an impressive warning against the

folly of trying to coerce the personal habits of a large section of the population against their will. It ended in a sort of compromise, in which the coercive principle is preserved in one law and personal liberty vindicated by another contradictory one. The result may be satisfactory, but it might be attained in a less expensive manner. What suffers is the principle of law itself, which is brought into disrepute.

State prohibition, abandoned by the populous New England and Central states, has in recent years found a home in more remote regions. In 1907, it was in force in five states—Maine, Kansas, North Dakota, Georgia and Oklahoma. In January, 1909, it came into operation in Alabama, Mississippi, and North Carolina; and in July, 1909, in Tennessee.

The time of the gentleman here expired and on motion of Mr. Lampson by unanimous consent the time was extended.

Mr. HALFHILL: There you have it, "the freest possible form of license," and yet by the inhibition of the constitution you have no restriction and it is impossible to restrict it. When a man pays his tax to the county treasurer, he has every right that can be given him and every protection that can be given him under the law, and if the seventy saloons in my city want to increase to one hundred and forty and one hundred and forty men can be found who will put up that \$1,000 tax, they can so increase their number under the present law, and that is what you are here seeking to maintain and perpetuate. That is what you who are opposed to license are seeking to further inflict upon the state of Ohio, just the same thing that you have inflicted by refusing for years to grant a license law or rather to amend the constitution. That is the thing you are now arguing and railing against, and it is idle to talk about protecting the liquor interest by putting it in the constitution and throwing around it a license. I am here to advocate the restriction of the liquor interest, restriction of the saloon, restriction and control, and that alone, because I have no sympathy with, or connection with the liquor traffic either near or remote.

Now, gentlemen of the Convention, look at this thing like men; don't look at it like idealists; don't have your heads in the clouds; don't discuss and measure the question by moral standards exclusively. We have to make laws for all the people in the state of Ohio. Everybody does not look at things entirely from your moral standpoint or from mine. Liquor is made and liquor will be drunk. Men's habits are not made good by law, or acts of parliament or of the legislature. You must handle this thing and handle it like we do any other questions that come up for consideration. The abuse of liquor and the liquor traffic is a great evil, and we must throw about it the best safeguards and protection we can throw about it for plain, common, everyday citizens of all classes. That is the way we must deal with this. And, therefore, I ask this Convention now, each member of it, no difference upon what extreme he rests his views, to adopt here the only sensible thing you can do and put the question of license—fundamental license, not legislative license—against the question of state-wide prohibition, so

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the people of the state of Ohio can settle this question or at least give it some rest for the next generation. Under the present conditions nothing can be settled, no step forward can be made. What are you aiming at? You gentlemen who stand here fighting against everything that will better these conditions, are you not aiming for ultimate prohibition? Nobody denies that if we had a state in which ultimate prohibition could be enforced and respected it would be better than now, but one gentleman, a leader of the opposition, says he will not see it in his day, but possibly his children will. Then let us legislate for this day. We are making some steps forward when we are establishing something fundamental in the constitution by which we can control this traffic, and the logical antithesis of license is prohibition and if the state of Ohio is ready for prohibition let it have a chance to say so. The millions invested in this traffic in the state of Ohio, as frequently adverted to in this debate, would be better off if the matter were absolutely a question of prohibition or license, and when settled the millions would know how to readjust themselves in other lines of trade should prohibition ensue. From that standpoint alone, we would be better off.

Now, gentlemen of the Convention, let us rise somewhat to the dignity and responsibility of the occasion. We are here to frame fundamental laws. We have been discussing the question of how we are going to submit to the consideration of the people of Ohio what we do here. We have been discussing whether or not we would put it in the body of the constitution or whether we would vote for it in separate amendments. This, however, is a question everybody agrees should be submitted separately and apart from the body of the constitution. It is entirely possible that very many other things that we adopt as proposed amendments will be submitted as separate and independent questions, but at least this question will be submitted separately. Therefore, let us submit it in a straightforward manner. Let there be no dodging. Come right up to the line and make this question license or prohibition and let the people of the state of Ohio determine by their votes at the ballot-box how they will solve this question, and by all means don't inject into the license proposition a lot of legislative enactments which will embarrass it and encompass its defeat and which is extra and in every way beyond what can properly be put into a constitution, or even be written into statutes under the existing constitution.

Mr. PRICE: Under your license proposal can a man register his vote when he is not for either one.

Mr. HALFHILL: A man who will not step forward and say which side he is on is not a man.

Mr. PRICE: But suppose a man is not on either side?

Mr. HALFHILL: If he wants to dodge responsibility as a citizen and not vote, he is only half a man. He is merely a cipher.

Mr. PRICE: But your proposition assumes that he is one or the other and he may not be either.

Mr. HALFHILL: My proposition is this: When you put up two propositions, license and prohibition, then that is what you are voting on, because by article XVI, providing for amendments to the constitution, if this question is settled by the Convention adopting license or

prohibition, then we have set the seal of disapproval on the present constitution, and which ever one of the two is adopted at the polls will be the fundamental law in the state of Ohio, and if they follow out the form in which I submit the amendment, this result will surely be accomplished.

Mr. PRICE: Then you admit that you would take from the people everything but determining which of these two they want.

Mr. HALFHILL: We put the seal of disapproval upon the present constitution and submit the question of license or prohibition.

Mr. PRICE: Have we the power to take the stumbling block out of the constitution? How can we do it? Is it not the people who do that?

Mr. HALFHILL: This Convention was called for the purpose of revising, altering or amending the constitution, and we should not hesitate to assume the responsibility of putting our disapproval on that which has proven a failure for sixty-one years in the state of Ohio.

Mr. KNIGHT: Assuming that possibly now and then there is a whole man in the state who may be of the opinion that what is in the constitution at the present time it is desirable to retain, how under your proposition can he get to register his vote that way?

Mr. HALFHILL: Under the provision of article XVI of the present constitution we submit just as the legislature would submit, except that a majority vote on the amendment will adopt, and if that man does not want to vote upon the proposition that we submit he can refrain from voting.

Mr. KNIGHT: He must vote for license or for prohibition, and which ever one of these two carries of necessity replaces what is in the present constitution.

Mr. HALFHILL: I expect and assuredly believe it does, and that is what my argument means.

Mr. KNIGHT: Then you admit that you do not propose to give anybody in the state the opportunity to vote for the retention of what is now in the constitution.

Mr. HALFHILL: I admit and claim that no citizen in the state of Ohio has any vested right in any particular clause of this existing constitution, and I answer the other part of the question in substantially the language of Burke, that government is but a contrivance of human wisdom devised for human ends and necessarily imperfect in both its form and instrumentalities.

Mr. KNIGHT: I grant the oratory, but I would like to have the inquiry answered.

Mr. DOTY: I call attention to the fact that the gentleman doesn't have to answer the question. You did not.

Mr. HALFHILL: But I have answered the gentleman's question to my own satisfaction at least.

I desire to offer this substitute:

Strike out all after the resolving clause and all pending amendments and insert in lieu thereof the following:

SECTION I. At such time as the vote shall be cast by the electors for the adoption or rejection of any revision, alterations or amendments made to the organic law, the following alternative propositions shall be separately and independently submitted to the electors, viz.:

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FOR PROHIBITION.

The manufacture of intoxicating liquors and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited; except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the manufacture and sale and keeping for sale of cider, or the unfermented product of other fruit, may be permitted under such regulations as the general assembly may provide.

The general assembly shall enact laws with suitable penalties, for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exceptions herein specified.

FOR LICENSE.

License to traffic in intoxicating liquors shall hereafter be granted in this state, and license laws shall be passed to regulate and restrict the said traffic and shall be operative throughout the state, provided that where the traffic is prohibited under laws applying to counties, municipalities, townships or residence districts, or other local districts, the traffic shall not be licensed in such of said political subdivisions or residence districts, or other local districts so long as the prohibition of the said traffic shall by law be operative therein. Nothing herein contained shall be construed so as to repeal or modify existing prohibitory or regulatory laws or to prevent their future enactment, modification or repeal.

The general assembly shall enact suitable laws to license, restrict and regulate the traffic in intoxicating liquors, with the exceptions herein specified.

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

INTOXICATING LIQUORS.

	For Prohibition.
	For License.

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

SECTION 4. The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words "For Prohibition," if he desires to vote in favor of the article first above mentioned, and opposite the words "For License," within the blank space, if he desires to vote in favor of the article second above mentioned. If a cross-mark is placed opposite both phrases or neither phrase, then such ballot upon that subject shall not be counted as a vote.

SECTION 5. If the votes "For Prohibition" shall exceed the votes "For License," then the article first above mentioned shall become a part of article XV of the constitution, regardless of

whether any revision, alterations, or other amendments submitted to the people shall be adopted or rejected. And if the votes "For License," shall exceed those "For Prohibition," then the second article above mentioned shall be a part of article XV, of the constitution, regardless of whether any revision, alterations, or other amendments submitted to the people shall be adopted or rejected.

Mr. PRICE: I have very little to say on this subject. It seems to me that the members, if they will examine that proposition, will certainly agree it is not at all fair. It is not right for us to assume that the people of Ohio are for license or for prohibition. There are some people in the part of the state where I come from who want proper regulation and we want to make existing conditions better, but we may not be for license or for prohibition. I am not in favor of prohibition. My people are not. Nor are we in favor of being bothered and perplexed all the time the way we are now. I do not believe our people will vote to put Ohio in the same classification as Maine and Kansas. This is unfair. It simply puts the two propositions up to the people and they take their choice, so we have to have one or the other. If we are going to try to get a license system, let us confine ourselves to that matter and get it in good shape. Then we will submit that. Then, if some one wants to bring up something on the prohibition line, let him get up his separate proposition, and don't let us throw them both in here with the matter put up to the voters in the shape that they must take one or the other. I, therefore, move that this amendment be tabled.

Mr. HALFHILL: Do you recognize the fact that there is a great body of voters in Ohio that wants one or the other of these?

Mr. PRICE: I think there is a small minority that wants something else, too.

Mr. HALFHILL: Do you recognize that there is a great body that wants one or the other of these?

Mr. PRICE: They may want one or the other, but they should not be submitted parallel.

Mr. HALFHILL: Why are you for the license proposal?

Mr. PRICE: The reason I am for it is that the majority of my people want it.

The delegate from Delaware here assumed the chair as president pro tem.

Mr. BOWDLE: I move that the amendment offered be laid upon the table.

The PRESIDENT PRO TEM: That motion has already been made by the delegate from Perry [Mr. PRICE]. The question is on the motion to lay on the table.

Mr. HALFHILL: And on that I demand the yeas and nays.

The PRESIDENT PRO TEM: The yeas and nays are demanded.

The yeas and nays were taken, and resulted—yeas 86, nays 21, as follows:

Those who voted in the affirmative are:

- | | | |
|-----------------|-----------|-------------|
| Anderson, | Brattain, | Crites, |
| Antrim, | Cassidy, | Crosser, |
| Baum, | Cody, | Cunningham, |
| Beatty, Morrow, | Collett, | Davio, |
| Beyer, | Colton, | Doty, |
| Bowdle, | Cordes, | Dunlap, |

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Dunn,	Jones,	Partington,
Dwyer,	Kehoe,	Peters,
Earnhart,	Kilpatrick,	Pettit,
Elson,	King,	Price,
Evans,	Knight,	Redington,
Farnsworth,	Kramer,	Rockel,
Farrell,	Kunkel,	Shaw,
Fess,	Lambert,	Smith, Geauga,
FitzSimons,	Lampson,	Solether,
Fluke,	Leete,	Stamm,
Fox,	Leslie,	Stewart,
Hahn,	Longstreth,	Stilwell,
Halenkamp,	Malin,	Stokes,
Harbarger,	Marriott,	Taggart,
Harris, Ashtabula,	Marshall,	Tannehill,
Harter, Huron,	Mauck,	Tetlow,
Harter, Stark,	McClelland,	Wagner,
Hoffman,	Miller, Crawford,	Walker,
Holtz,	Miller, Ottawa,	Watson,
Hoskins,	Moore,	Winn,
Hursh,	Norris,	Woods,
Johnson, Madison,	Nye,	Worthington.
Johnson, Williams,	Okey,	

Those who voted in the negative are:

Brown, Highland,	Kerr,	Smith, Hamilton,
Brown, Lucas,	Ludey,	Stalter,
DeFrees,	Peck,	Stevens,
Donahey,	Read,	Tallman,
Fackler,	Riley,	Thomas,
Halfhill,	Roehm,	Ulmer,
Harris, Hamilton,	Shaffer,	Weybrecht.

The roll call was verified.

The PRESIDENT PRO TEM: The motion to lay on the table has been sustained.

Mr. WOODS: I now move to amend by striking out the word "hereafter" and inserting in lieu thereof "thereafter."

Mr. HARTER, of Huron: I move to lay the Anderson amendment on the table and on that I demand the yeas and nays.

The PRESIDENT PRO TEM: The question is on the motion to lay on the table the amendment offered by the delegate from Mahoning [Mr. ANDERSON]. The secretary will call the roll.

The yeas and nays were taken, and resulted — yeas 53, nays 55, as follows:

Those who voted in the affirmative are:

Beyer,	Fox,	Miller, Crawford,
Bowdle,	Hahn,	Moore,
Brattain,	Halenkamp,	Norris,
Brown, Lucas,	Halfhill,	Peck,
Cody,	Harris, Hamilton,	Price,
Cordes,	Harter, Huron,	Redington,
Crosser,	Harter, Stark,	Riley,
Cunningham,	Hoffman,	Roehm,
Davio,	Hoskins,	Shaffer,
DeFrees,	Hursh,	Smith, Hamilton,
Donahey,	Johnson, Williams,	Stalter,
Doty,	Kerr,	Stamm,
Dunlap,	King,	Stilwell,
Dwyer,	Kunkel,	Tallman,
Earnhart,	Leslie,	Tetlow,
Fackler,	Ludey,	Ulmer,
Farrell,	Malin,	Worthington.
FitzSimons,	Marshall,	

Those who voted in the negative are:

Anderson,	Brown, Highland,	Crites,
Antrim,	Cassidy,	Dunn,
Baum,	Collett,	Elson,
Beatty, Morrow,	Colton,	Evans,

Farnsworth,	Leete,	Solether,
Fess,	Longstreth,	Stevens,
Fluke,	Marriott,	Stewart,
Harbarger,	Matthews,	Stokes,
Harris, Ashtabula,	Mauck,	Taggart,
Henderson,	Miller, Ottawa,	Tannehill,
Holtz,	Nye,	Thomas,
Johnson, Madison,	Okey,	Wagner,
Jones,	Partington,	Walker,
Kehoe,	Peters,	Watson,
Kilpatrick,	Pettit,	Weybrecht,
Knight,	Read,	Winn,
Kramer,	Rockel,	Woods.
Lambert,	Shaw,	
Lampson,	Smith, Geauga,	

The roll call was verified.

So the motion to table was lost.

The PRESIDENT PRO TEM: The question now is on the adoption of the amendment offered by the delegate from Medina [Mr. WOODS].

Mr. WOODS: This amendment simply changes the word "hereafter," in line thirty-five, to "thereafter." It was simply a mistake in printing.

The PRESIDENT PRO TEM: If there is no objection the amendment will be allowed.

Mr. DOTY: I have no objection to it, but I desire to have it voted on regularly.

A viva voce vote being taken the amendment was agreed to.

The PRESIDENT PRO TEM: The question is on the substitute of the delegate from Mahoning [Mr. ANDERSON].

Mr. WORTHINGTON: This proposal provides that it shall be submitted with the other amendments to the constitution. In other words instead of a separate submission this one provides that it shall be a united submission. This reads: "If the votes against license shall exceed those for license, then the second article above mentioned shall be part of article XV of the constitution, provided that the revision or alteration submitted to the people shall be adopted."

So that this does not provide for a separate submission. Further, it seems to me, speaking for myself only, that this proposal and others which have followed the same form are misleading in this that they submit something new and something old as if that old were something new, because article II of this proposal which the people are asked to vote for, is simply section 18 of the schedule without any change. It seems to me it is misleading to invite the people of Ohio to vote affirmatively for something that is already in the constitution, and therefore I move to amend the proposal so as to make the proposition that is to be submitted a single proposition. Then if they vote for it, it takes the place of section 18 of the schedule, and if they vote against it section 18 of the schedule stands.

The amendment of the delegate from Hamilton [Mr. WORTHINGTON] was read as follows:

Section 1, line 3, strike out "articles" and insert "article."

In lines 5 and 6 strike out "in the alternative." Strike out all of article 2.

Section 3, line 5, strike out "in favor of the article second above mentioned" and insert "against said article."

Section 4, line 2, strike out "first."

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Section 4, line 2, strike out "a part" and insert "section nine."

In lines 3 and 4, strike out "provided that the revision or alteration submitted to the people shall be adopted" and insert "and the present section nine of said article, also known as section eighteen of the schedule, shall be repealed."

Mr. ANDERSON: For my part I am perfectly willing to accept the amendment as explained by Mr. Worthington, if there is no objection.

The PRESIDENT PRO TEM: If there is no objection —

Mr. LAMPSON: No; put the question to a vote.

A viva voce vote being taken the amendment of the delegate from Hamilton [Mr. WORTHINGTON] was carried.

Mr. READ: I have listened to the discussion upon this question and have come to the conclusion that it is utterly impossible to get in the constitution any kind of license that will be satisfactory and effective. If you are going to have a license at all in that respect, I think Mr. Halfhill's proposal was the fairest one offered yet, putting both up to the people to decide whether they want license or prohibition. But Mr. Halfhill's proposal did not receive much favor, because the members of this Convention seem to have their minds set upon one thing, and that is license. I tried to show a few people here the other day that license was utterly incoherent, irrelevant and repugnant to any kind of organic law, and, believing that, I offer a substitute which will keep license out of the constitution altogether. It does not provide license to sell intoxicating liquors and neither does it prohibit the manufacture or sale. It leaves all the details of prohibition and limitation to statutory law to be submitted to a vote of the people. The first part simply lays the foundation for action: "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."

It was stated on the floor of the house this morning that the people do not know whether they are ready for prohibition, and it is evident they are not ready for license. Therefore, it is a good idea to put this question up to them periodically and let them decide whether they are ready for license or prohibition.

We need not discuss this subject from the standpoint of either the saloon or the anti-saloon advocate, but only as delegates in this Convention, interested in the welfare of all men, believing in justice to all and striving to aid in the progress and happiness of all. No one should take the ground that delegates who disagree with him or who favor any phase of the subject he does not are dishonest or insincere. I claim that every member of this body stands ready to welcome that which appeals to him as a practical working basis for a settlement of the controversy between the liquor and temperance forces of the state. If we are to come to a wise conclusion as to what the constitutional basis of this subject shall be, we must have free and sincere expression of opinions, and co-operate in framing the fairest and most desirable provision we can devise.

The spirit we manifest here will have its influence on the electors of the state when they discuss and vote upon the proposition we place before them. If we are sincere, broad in our views and magnanimous in aim they will appreciate our efforts and approve our work. This provision should be so drafted as to commend itself to them as just, as truly fundamental, and as an enduring foundation upon which to construct devices for getting a correct popular verdict on new liquor-traffic or temperance issues that may be defined in proposed laws. And it is their sincere hope that our proposal on this subject be merely organic, a means to an end, the instrument they can use for carving out, shaping up, and framing measures, including specifications, the regulations and the limitations desired.

The discussion upon this question has led into many byways and digressions, but possibly such episodes may be helpful to intelligent decisions. As I listened to one eloquent plea after another, some contending for restricted license and others for unrestricted license, I was confirmed in my judgment that in so far as future results are concerned, restricted or unrestricted, license in the constitution will differ about as much as tweedledee and tweedledum. And so I have become more and more convinced that this Convention should absolutely and totally exclude all license laws from the constitution and consign them to their proper places as purely legislative measures. In pursuance of this idea I have presented what purports to be an equitable basis for enactments that will give the people the opportunity of framing and voting upon license and other laws periodically. The advantage to be gained by this is that such regulations could be drawn up at each period as the conduct of the saloon business, the cause of temperance and the welfare of the commonwealth might require.

How to be just to those engaged in the liquor traffic, on the one hand, and on the other heed the mandates of those who would destroy that traffic, is one of the problems before us. We know that the liquor traffic is here and is to be reckoned with; that it is a business of large proportions and strongly entrenched, and that it cannot be wiped off the face of the earth with one fell swoop. The final act on this question cannot be passed now, nor next year, nor next decade. Social problems, social necessities, public duties, will continue to rise before us in connection with this business calling for adjustment by opportune and practical propositions. No man can foresee, and no convention is wise enough to definitely provide, how the issue between the liquor traffic and temperance should be disposed of in the distant future.

I propose a plan for deciding the issue between the liquor traffic and temperance every five years. The time can be extended if desired. One merit I claim for this is that during a five year respite from agitation and antagonism the liquor men would have the best opportunity that could be afforded them to show why they should have the privilege of carrying on their business unmoled, and, on the other hand, it would give the temperance advocates a much-needed opportunity to study social conditions with reference to prohibition and, if they should desire, to marshal their forces for an aggressive campaign against the use of intoxicants. At the end of a five-year period, the voters being called upon

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again to decide the issue, would have developed a clearer insight to the heart of the question, and would be able to vote more intelligently for the arrangements they would have prevail during the next stated period.

The PRESIDENT PRO TEM: The gentleman's time has expired.

Mr. REED: I offer a substitute.

The president here took the chair.

The amendment offered by the delegate from Summit was read as follows:

Strike out all after the word "proposal" in Proposal No. 151 — Mr. Anderson, and all pending amendments, and substitute therefor the following:

To submit substitute for section 9 of article XV, otherwise known as section 18 of the schedule of the constitution — relating to licensing the traffic in intoxicating liquors.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal shall be submitted to the electors to amend the constitution by substituting for section 9 of article XV the following:

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

FOR REFERENDUM OF LIQUOR TRAFFIC QUESTIONS.

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 every fifth anniversary thereof. At such election a proposed law, or laws embodying alternative propositions, shall be submitted by the law making power to the electors of the state definitely setting forth the extent of the regulation of the traffic or its limits and prohibition, 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 on behalf of the liquor traffic and the other must be submitted on behalf of prohibitory legislation.

AGAINST REFERENDUM OF LIQUOR TRAFFIC QUESTIONS.

No license to traffic in intoxicating liquor shall hereafter be granted in this state; but the general assembly may by law provide against the evils resulting therefrom.

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

	For referendum of liquor traffic questions.
	Against referendum of liquor traffic questions.

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

SECTION 4. The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words "For Referendum" if he desires to vote in favor of the article first above mentioned, and opposite the words "Against Referendum" within the blank space if he desires to vote in favor of the article second above mentioned. If a cross-mark is placed opposite both phrases or neither phrase, then the vote upon that subject shall not be counted.

SECTION 5. If the votes for referendum shall exceed the votes against referendum, then the article first above mentioned shall become section 9 of article XV of the constitution, regardless of whether any revision, alterations, or other amendments submitted to the people shall be adopted or rejected. And if the votes against referendum shall exceed those for referendum, then the second article above mentioned shall be section 9 of article XV of the constitution.

Mr. BOWDLE: I move that the amendment offered by the delegate from Summit be tabled.

The motion was carried.

So the amendment was laid on the table.

Mr. LAMPSON: With a view of making some arrangement by which delegates can make speeches if they desire to do so — I do not know how many desire to speak but before I make this suggestion I would like to see who want to speak. The suggestion is that we take no recess, with the understanding that the delegates can go out and get lunch and those who want to speak can continue their speaking.

Mr. BROWN, of Highland: I suggest that we all go out except the one member who is doing the speaking.

Mr. WINN: I move that we recess until one o'clock. The motion was carried.

AFTERNOON SESSION.

The Convention met pursuant to recess.

Mr. LAMPSON: I offer an amendment. The amendment was read as follows:

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At the end of article I, after the word "license," add the following:

"No legislation shall authorize more than one license to each township or municipality of less than five hundred population, nor more than one for each five hundred population in other townships and municipalities."

The PRESIDENT: The question is on the adoption of this amendment.

Mr. LAMPSON: That comes in at the end of article I, after the word "license," in the Anderson pending amendment, and I would like to have Professor Knight explain it.

Mr. KNIGHT: If there be any reason whatever, and I believe there is a great reason, for a license proposition, it is in order that there may be what all insist upon, a limitation of the number of saloons or places where the retail liquor traffic is carried on. In other states where a license law exists, the usual limitation is one saloon to one thousand of population. That was objected to the other day by a considerable number of persons as being altogether too drastic a limitation for Erie county and possibly for some other counties in the state. Any license proposition in this day and in the present situation of the state of Ohio which does not guarantee something in the way of a limitation upon the number of places where the retail traffic can be carried on, is no proposition that meets the present condition of affairs. We are talking not about a theory but about a situation that confronts us, and if the license proposition comes here simply for the purpose of substituting license for something else and continuing the same number of saloons with no more and no fewer limitations than now exist, it is not worth while to discuss it. And it is conceded by those engaged in the retail traffic that one of the primary purposes of license is that there should be a lessening of the number of saloons, and that in that lessening provisions should be made for better observance of existing regulations by those who continue in the traffic. This limitation of one to five hundred is certainly a wide concession to those who insist that everything should be left to the legislature itself. I repeat that the people in this state insist that there must be some guaranty in it, some hope that there shall be some guaranty that under the license proposition we shall have a betterment of the present conditions, and it seems to me that this proposal goes more than half way to meet the objections that have been made. I speak here not representing anybody but the citizens of the state of Ohio who are interested in the regulation of the traffic now in our midst and which I believe is to stay for some time, perhaps indefinitely in the future; and the problem before us is to submit to the people of the state of Ohio a proposition that will provide for better regulation than we have under present conditions, something not in the interest of those who are engaged in the business, nor what is wanted by those who are trying to put the traffic out of business, but in behalf of the millions who are interested in neither side of the question except to see that the business is so conducted as to lessen the evils which exist. I believe the people expect the Convention to submit a proposition to them that will attempt to cover the ground, and for that reason only is this amendment offered and I hope it will be adopted.

Mr. TALLMAN: My friends on the other side who are advocating license here today are trying to drag under this proposition—at least, I suspect them. They may be sincere and I hope they are. I believe the gentleman from Franklin [Mr. KNIGHT] who last spoke is sincere and honest, and I want to say this, that if I were in this hall as a member of the legislature instead of being a member of the Constitutional Convention I would be in favor of the limitation he suggests, but I don't think that the members of this Convention are wiser than any subsequent legislature that may meet within the next fifty years. Conditions will change from the present. Conditions will not be the same next year as this year, nor in ten years as they are now. I do not distrust the ability of the people that may live hereafter to govern themselves. They at least will have the benefit of a perfect knowledge of the conditions then existing, which we have not the foresight to discern, and not having the foresight to discern we should not attempt to provide for by a clause in the constitution which cannot be changed. I am in favor of the proposition of Mr. Anderson, with an amendment or two. I don't see how any condition can arise in the future that will justify a brewer or a manufacturer of intoxicating liquors being interested in saloons here and there, in all the counties and cities, provided they sell his brand of beer or whisky. I do not think it is right. I think that limitation should be in the constitution. I believe it will be endorsed by everybody and not opposed by anyone. I know it will be endorsed by everyone who ever kept a saloon in the town in which I live. I can give you an instance. One brewer started up a man who didn't have money enough to buy a breakfast. The brewer bought the outfit, paid the Aiken tax, leased a place for three years and took a mortgage and his brand of beer alone was sold. The saloonkeeper violated pretty much every law on the statute books and in about four months, between dark and daylight, he departed. I got a bill from the brewer for the outfit on which the brewer had taken a mortgage and also a bill for \$1,000 for beer. I found the man had gone and knew he was gone for good, and I told the brewer all he needed was a dray—that he didn't need a lawyer—to just go there and take away his goods. And that was all he got. I am opposed to all that, and I am opposed to another thing. It is striking that so many men have come here and said they are opposed to it and called it accursed stuff and that they would never make a covenant with hell or link themselves with the devil, and yet they are voting for license presented by the dry advocates of the Convention. Now, gentleman, I warn you if you want to load down your proposal in favor of license, you can do it by putting on this dragnet and a few others that I have heard mentioned and you will never carry license in Ohio. Leave the dragnet off. The object is to get the vote of that class who keep saloons in the largest cities and who by reason of the great influx of strangers, ten or fifteen thousand a day, they have probably one saloon to every two or three hundred people, and maybe four hundred people, but whatever they have is based upon the influx of strangers into their city. Now you have cut half of them out, and those men, together with their influence—their retainers—would vote against this very excellent proposition that is made by Mr. Anderson. I have been opposed to it and voted

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against him on every proposition he has made so far. I regret very much the intemperate speech he made from the secretary's desk opposing this traffic. The traffic in intoxicating liquors has always been legitimate business and it is yet. The alcoholic principle was placed in grain by God Himself. Take that alcoholic principle away from the grain and it won't sprout or grow. When the alcoholic principle is extracted and put in barrels and put away it grows better and better as the ages roll on. Put that barley away in the barn under like conditions and what does it do? Like man, it returns to its original dust and is utterly worthless. If there is anything immortal about man it is the soul. If there is anything in the vegetable world that comes anything near being immortal it is the alcoholic principle in grain. It is the only thing that you can preserve and preserve intact and it gets better and better as it gets older.

Mr. KING: Only a moment ago I thought we were progressing toward a conclusion of this question, and just as I had raised my hopes that we might possibly agree on something along comes the proposition, with which we have been threatened several days from outside influences, that there must be a limitation engrafted into this proposition based upon population. I am not going to discuss it, but I say it is my conviction from all I have been able to learn in the discussion of this question for six weeks past, that the engrafting of that limitation into the proposition means at least one hundred thousand votes against it that otherwise would be for it. It means that the gentlemen who stand here and loudly say they are for license give an answer to that argument and the lie to that statement when they propose to load down the proposal that it may be defeated. If you are for license I beg you to stand by this proposal to the end. If you are against it tack onto it this and all other wild-eyed long-haired schemes that it may be defeated.

Mr. REDINGTON: I have only a few words to say and that is what I have already said upon this subject. I have voted for the King proposal on several occasions. I did so because I believed the proposal we adopt should not have within it the numerous limitations and restrictions that certain delegates seem inclined to put into the proposal. I was also in favor of the King proposal, believing as I did, it would meet with the approval of the voters throughout the state at the election next November.

I am not a liquor advocate, I am not a saloon advocate, as the newspapers would have you think, but I believe in regulation. I have been a believer in a license law for some time, but I do not believe that this Convention has the right to legislate, and because the King proposal had as little legislation in it as possible I have favored it. But the delegates have seen fit to bury that proposal. I bow to the will of the majority. I have done the best I could. I voted against prohibition, not because I am an anti-prohibitionist, but because I do not believe that conditions are favorable throughout the state of Ohio for a prohibition law, that it would be a farce if enacted, that it might not redound to our advantage in any locality and it would operate against the best interests of the state.

Now we have only two proposals left, both license proposals, one having more limitations and restrictions than the other. I want to say that I have reserved the

right to vote for that one which has the least number of limitations. I do that because I am sincere in wanting to have a license law passed that the saloon business can be regulated. I have at no time advocated wide-open saloons, and I deny the right of any delegate or any person to misconstrue my language and criticise my motives.

One more explanation: On a former occasion I referred to a little village in which I lived twenty years ago and I was describing the people who visited the saloons — young, stout, robust fellows who give up their time to visiting saloons and who criminally and deliberately become intoxicated — the kind they call "rough-necks." I say they were not entitled to sympathy and that punishment was the only way of reforming them and I believe in that yet. I offer no apology to anybody for having said it. I never referred to any sick man or any of you club men. I never referred in that to anyone who accidentally became intoxicated. If you wish to apply it to such, all right, but don't misconstrue my language because I had no intention of referring to that class of people. I was thinking of a certain class of people, and if I did not make myself clear then I want to make myself clear now. I did not have any intention of making that application universal, and I deny the right to anybody to class me with those who favor wide-open saloons and who stand here to protect lawlessness. I never took that position. I never have and never shall. I am voting for a license law and I hope this Convention will adopt some license law that will stand some chance of being adopted by the people. I know in my town they sneeringly refer to the work of this Convention as not having the least chance of being ratified. There is not one of them that says we have a ghost of a chance of having the people ratify anything we do. I think we should go slowly. I am in favor of a license law without any restrictions, but if I must vote for a license law with some restrictions and limitations, I reserve the right to vote for the proposal containing the least of those.

Mr. FOX: I also object to limitations. The other day this proposition was voted down on account of the limitations. Now they say it will better the conditions! I just want to give an illustration: We have a number of villages — four at least in our county — that have from four to six saloons that would have to be cut down to one. Now, according to this statement only one saloon could remain in the town. Now if the township is thickly settled, the villages are well lighted and with ample police protection, and if you would take those three saloons away you force them just outside of the corporation line. Then at ten o'clock the marshal would go around and close up the village saloon, but he couldn't touch those others. According to this limitation those few saloons just outside would be in shanties and the village wouldn't get the benefit of them at all, and after ten o'clock all the boys who wanted to remain would go outside of the corporation, where there was no police protection, and stay there as long as they liked. If there is any worse condition than that I would like to know it. That is ruination of things, and like everybody else here I would like to see a better condition of things, but under this proposed amendment it is impossible in my judgment.

Mr. FARNSWORTH: In the short time I shall de-

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tain you I shall confine myself to the subject that is before us, and perhaps I can illustrate my views best by quoting from an interview that came to me unsought and unexpectedly. I was eating my dinner in Toledo last Saturday and a gentleman came in and began eating on the opposite side of the table. In a few minutes a friend of mine came over and addressed a few remarks to me which gave the gentleman across from me to understand that I was a member of this Convention. He began talking to me and said, "I understand you had quite a time with the liquor question down at the Convention," and I said "Yes, that is a fact." He said: "I have been keeping a saloon in Toledo for nine years. I came here from Montreal, where they have a hundred and seventy-five thousand population and a hundred and seventy-five saloons. They are under strict regulations. They close at nine o'clock and on Sunday they are closed all day. It is considered a respectable business there. When I came here I immediately realized the conditions were different. The saloons for the most part are under the ownership and domination of brewers and in order to sell every gallon of product they can they crowd them in wherever an opportunity offers; they force us to break the law, they keep us open beyond the legal closing hour and force us to keep open on Sunday to make a living. I know in one instance where they proceeded against a man through spite and proved that he kept open on Sunday and abrogated his contract after having forced him to break the law." Continuing, he said: "I am in favor of restricting the number of saloons to one to one thousand. I have among my patrons a man who comes in every day and spends fifteen cents and I know that he has a family on his hands that needs that money. But the saloons are so thick that I must sell to him and to every possible customer. I have another patron who came into my saloon last pay-day and called up the crowd to drink and spent seventy-five cents. His little boy came in and said, 'Father, mother wants some money to buy meat.' and he gave the boy twenty cents. One man in the crowd said, 'Call that boy back and give him a dollar.' The public sentiment was so strong against him that he called the boy back and gave him the money." The saloon keeper himself could not fail to see the injustice of it. He further said: "Sometimes young men come in and they look pretty young to me, but I cannot ask their ages, and sometimes I sell them when something in my heart does not justify me."

Now that comes from a saloon keeper who wants to obey the law and there are a few of those. If he wants restriction can we who stand for temperance refuse to give him restrictions? By the way, he said to me, "If Jim P. knew I was saying this he would go up in the air." I tried to assure him that from all I knew Jim P. was headed in another direction and there was no danger of his going up. I cannot undertake to go into the details. I am simply presenting the case as it comes from one man to me.

I believe our people sent us down here for a definite purpose, and even though we find this work harder than we were anticipating it behooves us as men to try to settle it, not dodge the issue and "let George do it." Let us stand up to the rack and write something into this constitution that means something.

It has been said that this Convention in average ability

is superior to the average legislature. Then why should we delegate some of the work we were sent here to do to some unknown quantity in the future? Let us do our duty here and do the work here.

Mr. JOHNSON, of Williams: I had not intended to become mixed up with this liquor question either practically or theoretically, but it seems impossible to steer clear of a question like this. About a week ago I voted for a gentleman's proposal here to be heard and not to table it, and one person from my county claiming to be a Christian denounced me and said I was voting for the brewers and boozers. I know the gentleman would have the Devil in this position because he cannot rule us. It made me think of some abuse that has taken place on the floor of the Convention. I am sorry to say that in the discussion of this question we find more charity and liberality from the gentlemen on the wet side — and they may tell that in Williams county, if they like. Now I like the gentleman from Hamilton [Mr. BOWDLE]. I don't agree with him in all his sentiments, but if he can practice what he does and feel that he is a Christian he is at liberty to do it. I assure you that I thought the spirit in which he discussed the proposition was worthy of emulation. I don't care what they say about me anywhere if I feel right and vote right. The gentleman I referred to wrote me that he noticed I was lining up with the wets, and I wrote to him I didn't care how he thought I was lining up, or how the Toledo Blade was classing me, that I was satisfied with every vote I had cast in the Convention, and I hoped he would not be sorry when he understood the facts of the case. I put the letter in my desk so that my wife wouldn't know about it and worry in my absence. I didn't think there was another person in William county who would find fault with me. But, by the way, last fall, when I was a candidate for this position, a gentleman who calls himself a Christian and is president of the County Sunday School Convention, when told that I never tasted whisky in my life, said I was not the kind of fellow he was looking for. Well I wonder what kind of a delegate he did want? I have never been in favor of the brewers. I believe there are too many of them in this country. Twenty-five years ago I was a member of the house of representatives for four winters and have spent eight weeks here this winter. I never met a lobbyist in my life until I was tackled by an Anti-Saloon League lobbyist, who wanted to get me straight on the whisky question, and one or two suffragettes, who thought my heart was not quite right on the woman's suffrage question. I voted against tabling the proposal because I was not satisfied with it and wanted to hear it discussed. When I can't vote my sentiments I am ready to resign.

I have been ready to vote on this liquor question for a week or two and I didn't say anything about it, but I just want to serve notice now that I shall vote as I please. This gentleman who is doing so much complaining never did want me to be a candidate. There are a lot of prohibitionists up in my county, and I want to say right now — and I won't take it back — that I am at heart a prohibitionist and I began my work in that line by prohibiting liquor from going down my throat. I don't care what any other people desire, but I don't want any saloon in my town. When they get ready to vote it back I am going to oppose it.

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Two gentlemen met me at the hotel in Bryan, Ohio, before the election, and wanted me to pledge myself on the initiative and referendum. They took me to one side and cornered me and said if I didn't state my position in regard to percentage on that question, they would fight me in the News Bee, and I felt as if I were between Satan and the deep blue sea. Gentlemen, do you know what I would do if I were in that position? I would knock Satan down and climb out. I am going to vote for what I think is to the best interest, not of my county alone, but of the whole state, and whenever the time comes I am ready to vote on the proposal and I won't make any apologies to anyone.

Mr. PRICE: I can't exactly understand the purpose of this license. It is intended, I understand, to properly regulate the liquor traffic, and if you properly regulate it why should it be limited to five hundred or seven hundred and fifty or a thousand? If it is conducted according to law, and the license is revoked if the law is broken, what is the difference how many saloons you have? This proposition of five hundred, as I understand it, proposes to cut into the liquor dealers of Cleveland and Cincinnati and dispense with one-half of the number that are now successfully conducting business, and it will simply add to the profits of those who remain and take away that much taxes from the cities. How do you harmonize with the American doctrine of anti-monopoly? Why should we consider a license under the guise of restrictions that simply eliminate the profits from one set of men and hand them over to another set? I claim it is pure monopoly and is un-American. We have had local option for twenty-five or twenty-six years in the townships throughout the state. You will find by investigation they are all dry practically. Now we have a village which at present has two saloons and may have three. There are no saloons within twelve miles to the west of us, five miles to the east of us or six miles each way north and south. The village has a population of about seven hundred and fifty and there are about five thousand people who come to that town. The saloons can't be out in the townships—they have to be centralized in that village. Those saloons, instead of attending to seven hundred and fifty people, do the business for nearly five thousand people. I say to cut it down to one saloon is a monopoly and is unfair. I say if the saloon trade is rowdy and it is centralized into one place, the man under license would have considerable trouble in observing the terms of his license. I think this provision will tend to centralize the rowdyism and instead of tending to make the saloons more respectable will tend to make them more disreputable. I say it tends to monopoly and I am not here to make it stronger or weaker, but I am here to put the business on a legitimate basis and if it does not run right to take the license away.

Mr. TALLMAN: Would it not rob the government of its revenue if it were limited to one to one thousand?

Mr. PRICE: Of course. I don't know to what extent these limitations are going to reduce the number of saloons. The man must be a citizen of the United States, of temperate habits and good moral character. Now it occurs to me that if those people who favor the reduction in the number of saloons will analyze that thing carefully they will probably see that it will diminish them. Then again it provides that the brewers and those engaged in

the wholesale traffic shall not engage in the retail traffic. Hundreds and thousands of saloons in the state are owned by the brewers, and if the gentlemen will take this into consideration and measure that carefully I think they will admit that that will reduce the number of saloons greatly.

Now I do not understand that I can offer an amendment, but when the time does come I am going to offer an amendment to the proposal found on page 8 of the journal. I want to eliminate in lines 5 and 6 the words "be granted for a longer period than one year nor shall license."

It will then read "no license shall be granted to any applicant who in any way or manner is pecuniarily interested, etc." My reason for that is this. We stipulate here that for the second violation of law his license will be forever forfeited and we also have a limitation in point of time, his license ceasing at the end of a year. If this is to be a business and is to be treated as a business, we ought not to insist upon that year's restriction, because our anti-saloon friends now in all the legislation passed, make provision for the retailer to dispose of his stock within thirty days, and by this proposal if his license ceases to operate, his stock is on hand and he can't dispose of it. That is not fair to any person who engages in the business. If the business is licensed it will be legitimate, and as the supreme court says it is a legitimate business now as far as the laws are observed, and if it is licensed it certainly will be legitimate as long as he observes the law. The proper thing is to give him license and let him go on and if he violates the law revoke his license and not grant him another.

They have trouble every year in Pennsylvania about granting licenses. Now, if the man has kept the terms of his license, why should we have him dragged up to the court house or some other place at the end of the year and go through an investigation as to whether his license will be granted. Then I want another amendment in line 20. I want to eliminate the "an adjoining county." I don't want somebody from Muskingum, Licking, Fairfield or any other county granting licenses in my county. I think it should be limited to the county itself.

Mr. WINN: I just want to say a word and I want to take about five minutes to do it. I am not very much in sympathy with this amendment limiting the number of saloons to one to five hundred. When the Model License League, made up of brewers and saloon keepers and distillers, recommend to the country the adoption of a constitutional amendment limiting the number of saloons to one to one thousand, I don't think we ought to be more liberal than the men who are particularly interested in the business. Now I do not mean to say I am going to vote against it. I would rather have it one to five hundred than have no limitation, so I shall vote for the amendment. But surely no man who believes that the business should be restricted can conscientiously vote against this very mild limitation. I think we are too much concerned lest someone will make too much money in the liquor traffic. My information is that in Sandusky half of the saloons will be eliminated, and my notion is if in Sandusky city half of the saloons are eliminated and those which remain carry on their business legitimately they will not make too much money. In other words if the saloon keeper mentioned by the

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member from Lucas, who saw that he was doing wrong when each morning he took fifteen cents which he knew was from the mouths of starving children, were in a position to do without, he would say to the man, "I would rather you would not visit here;" and so when the other man came in to spend seventy-five cents and wanted to give the boy only twenty cents for meat for the family, the saloon keeper with a heart still in his breast would say, "I want none of your money," and would send him away. If he would carry on the business legitimately I venture to say not a saloon keeper in the state would make more money than he makes now. The difference would be the elimination of that objectionable class of customers, objectionable not only to the man who is the dealer, but to everybody, because they constitute that class of citizens who are fast becoming degenerates and bringing up families much like the father. This is a mild, insignificant limitation. It is not my view, but I shall vote for it because I think it is the best we can obtain here, and I hope it will prevail.

Mr. THOMAS: I call for the yeas and nays on the amendment.

The yeas and nays were taken, and resulted yeas 60, nays 46, as follows:

Those who voted in the affirmative are:

Anderson,	Holtz,	Okey,
Antrim,	Hursh,	Partington,
Baum,	Johnson, Madison,	Peters,
Beatty, Morrow,	Johnson, Williams,	Pettit,
Brown, Highland,	Jones,	Read,
Cassidy,	Kehoe,	Rockel,
Cody,	Kerr,	Shaw,
Collett,	Kilpatrick,	Smith, Geauga,
Colton,	Knight,	Solether,
Crites,	Kramer,	Stevens,
Cunningham,	Lambert,	Stewart,
Dunn,	Lampson,	Stilwell,
Evans,	Leete,	Taggart,
Farnsworth,	Longstreth,	Tannehill,
Fess,	Marriott,	Tetlow,
Fluke,	Mauck,	Wagner,
Harbarger,	McClelland,	Walker,
Harris, Ashtabula,	Miller, Ottawa,	Watson,
Harter, Stark,	Norris,	Winn,
Henderson,	Nye,	Woods,

Those who voted in the negative are:

Beyer,	Hahn,	Pierce,
Bowdle,	Halenkamp,	Price,
Brattain,	Halfhill,	Redington,
Cordes,	Harris, Hamilton,	Roehm,
Crosser,	Harter, Huron,	Shaffer,
Davio,	Hoffman,	Smith, Hamilton,
DeFrees,	Hoskins,	Stalter,
Donahey,	King,	Stamm,
Doty,	Kunkel,	Stokes,
Dunlap,	Leslie,	Tallman,
Dwyer,	Ludey,	Thomas,
Earnhart,	Malin,	Ulmer,
Fackler,	Marshall,	Weybrecht,
Farrell,	Miller, Crawford,	Worthington.
FitzSimons,	Moore,	
Fox,	Peck,	

Mr. RILEY (During the roll call): May I have the roll call show that I am paired with the delegate from Athens?

The PRESIDENT: There is no rule about pairs and no record will be made of it.

So the amendment was agreed to.

Mr. WORTHINGTON: I now offer the same amendment applicable to this that I made this morning. I overlooked a part of this and I offer a supplementary amendment to cover that.

The amendment was read as follows:

In line 3, of section 3 strike out the word "first".

Strike out all after the period following the word "adopted" as it appears in the fourth line of section 4.

Strike out the words "Against License" following the end of article 1.

The amendment was agreed to.

Mr. HARTER, of Huron: I have an amendment I desire to offer.

The amendment was read as follows:

Strike out the two paragraphs after the line "For License" in section I of the pending amendment by Mr. Anderson to Proposal No. 151 and substitute the following:

SECTION 1. License to traffic in intoxicating liquors shall hereafter be granted in this state, and license laws operative throughout the state shall be passed with such restrictions and regulations as the general assembly may provide, and the general assembly shall authorize municipal corporations to provide for the limitation of the number of saloons, under general laws applicable thereto; provided that where traffic is or may be prohibited under laws applying to counties, municipalities, townships, residence districts, or other districts prescribed by law, the traffic shall not be licensed in any such local subdivision while any prohibitory law is operative therein, and nothing herein contained shall be so construed as to repeal, modify or suspend any such prohibitory laws, or any regulatory law now or hereafter enacted, or to prevent the future enactment, modification or repeal of any similar prohibitory or regulatory laws.

No license shall be granted to any person who at the time of making such application is not a citizen of the United States and of good moral character. No license shall be granted to any applicant who is in any way or manner interested in the business conducted at any other place where intoxicating beverages are sold or kept for sale, nor shall such license be granted unless the applicant or applicants are the only persons in any way or manner pecuniarily interested in the business asked to be licensed, and that no other person shall in any manner whatsoever be in any way interested therein during the continuance of the license, and if such interest of such person be made to appear, the said license shall be deemed revoked.

Mr. BROWN, of Highland: I move that the last amendment be laid on the table.

Mr. STALTER: A point of order: The gentleman from Huron has not yielded the floor.

Mr. LAMPSON: Is that the same amendment already pending?

Mr. HARTER, of Huron: No.

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Mr. LAMPSON: Is it the one that was pending this morning?

Mr. HARTER, of Huron: No, sir; we have omitted the word "municipality." The only difference is the word "municipality" is omitted from this and it was in the other. There are no other material changes. It has been discussed so much that I do not know what I can say further on the subject.

Mr. DOTY: This omits the license feature of the first amendment and gives municipalities a right to regulate the number of licenses, not the townships as the other did.

Mr. THOMAS: I would like to know the difference between his proposal and the Anderson proposal.

Mr. HARTER, of Huron: "The general assembly shall authorize municipal corporations to provide for the limitation of the number of saloons under general laws applicable thereto." That is not in the Anderson proposal.

Mr. THOMAS: I would like to ask in view of the fact that we have just adopted an amendment limiting the number of saloons whether a provision of this kind could still be added as part of the same proposition?

Mr. HURSH: To get a clear understanding on this — this involves the principle of home rule for cities and municipalities.

Mr. DOTY: Let us see whether it does. We can't get the idea. Show us how it is.

Mr. HURSH: The cities themselves will have a right to say the number of saloons they want.

Mr. DOTY: That is the amendment now pending?

Mr. HURSH: That is the amendment now pending.

Mr. BROWN, of Highland: I move that the last amendment be tabled.

The motion was seconded.

Mr. DOTY: And on that I demand the yeas and nays.

The yeas and nays were taken, and resulted — yeas 52, nays 57, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Ashtabula,	Pettit,
Antrim,	Harter, Stark,	Read,
Baum,	Holtz,	Rockel,
Beatty, Morrow,	Jones,	Shaw,
Brown, Highland,	Kehoe,	Smith, Geauga,
Cassidy,	Kilpatrick,	Solether,
Collett,	Kramer,	Stevens,
Colton,	Lambert,	Stewart,
Crites,	Lampson,	Tannehill,
Cunningham,	Leete,	Tetlow,
Dunn,	Longstreth,	Wagner,
Elson,	Mauck,	Walker,
Evans,	McClelland,	Watson,
Farnsworth,	Miller, Ottawa,	Winn,
Fess,	Nye,	Wise,
Fluke,	Okey,	Woods,
Halfhill,	Partington,	
Harbarger,	Peters,	

Those who voted in the negative are:

Beyer,	Donahay,	Hahn,
Bowdle,	Doty,	Halenkamp,
Brattain,	Dunlap,	Harris, Hamilton,
Brown, Lucas,	Dwyer,	Harter, Huron,
Cody,	Earnhart,	Hoffman,
Cordes,	Fackler,	Hoskins,
Crosser,	Farrell,	Hursh,
Davio,	FitzSimons,	Johnson, Madison,
DeFrees,	Fox,	Johnson, Williams,

Kerr,	Moore,	Stalter,
King,	Norris,	Stamm,
Knight,	Peck,	Stilwell,
Kunkel,	Pierce,	Stokes,
Leslie,	Price,	Taggart,
Ludey,	Redington,	Tallman,
Malin,	Riley,	Thomas,
Marriott,	Roehm,	Ulmer,
Marshall,	Shaffer,	Weybrecht,
Miller, Crawford,	Smith, Hamilton,	Worthington,

The roll call was verified.

So the motion to table was lost.

The PRESIDENT: The question is on the adoption of the substitute.

Mr. ANDERSON: Can we not get a better idea of what it is? I am voting practically in the dark.

Mr. DOTY: You are voting all right.

The PRESIDENT: The question is on the adoption of the substitute of the gentleman from Huron.

Mr. KNIGHT: It is understood by most of us that that takes the place of the first two paragraphs in the Anderson proposal and not the whole of it.

Mr. HARTER, of Huron: That is right.

Mr. ANDERSON: Can it not be read as it stands if carried?

Mr. DOTY: The Harter amendment proposes to strike out all on page six below the words license.

Mr. HARTER, of Huron: No; that is not right.

Mr. DOTY: It strikes out all the words on page 6 after the words license and substitutes something else.

Mr. PECK: I call for a reading of the proposition.

The proposal as it would read if the amendment of the delegate from Huron carried was read as follows:

Proposal No. 151 — Mr. Anderson, to submit an amendment to section 18 of schedule of the constitution. — Relative to the liquor traffic.

Resolved by the Constitutional Convention of the state of Ohio, That a proposal shall be submitted to the electors to amend the constitution by substituting for section 18 of the schedule the following:

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

FOR LICENSE.

License to traffic in intoxicating liquors shall hereafter be granted in this state, and license laws operative throughout the state shall be passed with such restrictions and regulations as the general assembly may provide, and the general assembly shall authorize municipal corporations to provide for the limitation of the number of saloons, under general laws applicable thereto; provided that where traffic is or may be prohibited under laws applying to counties, municipalities townships, residence districts, or other districts prescribed by law, the traffic shall not be licensed in any such local subdivision while any prohibitory law is op-

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erative therein, and nothing herein contained shall be so construed as to repeal, modify or suspend any such prohibitory laws, or any regulatory law now or hereafter enacted, or to prevent the future enactment, modification or repeal of any similar prohibitory or regulatory laws.

No license shall be granted to any person who at the time of making such application is not a citizen of the United States and of good moral character. No license shall be granted to any applicant who is in any way or manner interested in the business conducted at any other place where intoxicating beverages are sold or kept for sale, nor shall such license be granted unless the applicant or applicants are the only persons in any way or manner pecuniarily interested in the business asked to be licensed, and that no other person shall in any manner whatsoever be in any way interested therein during the continuance of the license, and if such interest of such person be made to appear, the said license shall be deemed revoked.

If any licensee is more than once convicted for a violation of the laws in force to regulate the traffic in intoxicating liquors, the license of said licensee shall be deemed revoked, and no license shall thereafter be granted to such convicted licensee.

No application for license shall be granted unless the business for which license is allowed shall be located in the same county or an adjoining county to that in which the person or persons live and reside whose duty it is to grant such license.

No legislation shall authorize more than one license to each township or municipality of less than five hundred population, nor more than one for each five hundred population in other townships and municipalities.

SECTION 2. At said election a ballot shall be in the following form.

INTOXICATING LIQUORS.

	For License
	Against License

SECTION 3. The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words "For License" if he desires to vote in favor of the article above mentioned and opposite the words "Against License", within the blank space, if he desires to vote against said article. If a cross-mark is placed opposite both phrases or neither phrase, then the vote upon the subject shall not be counted.

SECTION 4. If the votes for license shall exceed the votes against license, then the article above mentioned shall become section 9 of article XV of the constitution, and the present section 9 of said article, also known as section 18 of the schedule shall be repealed.

Mr. BROWN, of Highland: I want to get set right. There is a great deal of confusion as to what this amendment is proposed to displace. I think, laboring under a misapprehension because of my inability to hear well, I made a motion to lay on the table when I would not have made it if I had fully understood it. It seems that no two of us in this region fully comprehend just what it is proposed to do.

Mr. HARTER, of Huron: It was my intention to strike all out after that.

The SECRETARY: The heading is not so written.

Mr. KNIGHT: At the request of the gentlemen from Huron, may I venture to make an explanation of what his motion was, upon the basis of which the last recorded vote was taken.

His motion was to amend the Anderson proposal or amendment, which is on page 7 of the journal of Monday, March 4, beginning with the words "For License" and under that heading "For License," to strike out the following two paragraphs down to and including the word "revoke," at the end of the second paragraph, and then substitute therefor what has been read here, which, with a slight modification of the language, is identical with the first two paragraphs of the proposal which was introduced this morning, page 6 of the journal. This amendment leaves standing in the Anderson amendment all after the word "revoke" to the end of the second paragraph of section 8. It leaves the following paragraph, beginning with the words "If any license," and the next paragraph "No application for license," and the amendment adopted a moment since on motion of the gentleman from Ashtabula [Mr. LAMPSON] then comes in: "No legislation shall authorize more than one license in each township or municipality of less than five hundred population, nor more than one for each five hundred population in other towns, etc.," and it does not affect anything further after that in the Anderson amendment.

Mr. LAMPSON: Explain just how it changes the Anderson amendment?

Mr. HARTER, of Huron: I meant that as a substitute for all.

Mr. KNIGHT: I am explaining this as the record shows.

Mr. LAMPSON: It does not strike out any of those amendments made by the gentleman from Hamilton [Mr. WORTHINGTON].

Mr. KNIGHT: It does not affect those in the least. The principal effect is to substitute home rule for it on this one point — to allow municipal corporations to determine as to the number of saloons they will have, in the light, however, of this last clause, that no legislature can authorize more than one saloon to five hundred people. That clearly means that they cannot give more than one saloon to five hundred.

Mr. ANDERSON: Do you mean to say that the language used in the amendment in any way agrees with the act of the Convention in adopting the one-to-five-hundred proposition?

Mr. KNIGHT: It seems to me it does.

Mr. ANDERSON: I don't believe it does with the way Mr. Harter, of Huron, intended it.

Mr. KNIGHT: I don't undertake to explain what he intended, but I have explained what he has done.

Mr. ANDERSON: I understand that they shall have

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absolute home rule in cities to make it one to two hundred if they desire.

Mr. KNIGHT: But for the amendment offered by Mr. Lampson and adopted, that would be true.

Mr. ANDERSON: I take it that it is true, nevertheless.

Mr. ROEHM: The amendment just offered by the gentleman from Huron [Mr. HARTER] was intended to take the place of the entire Anderson amendment as amended, and I voted for it thinking that was the effect, and I think the gentleman from Huron [Mr. HARTER] intended that should be done, and I would like to ask him whether he did or not?

Mr. HARTER, of Huron: I did, and so stated.

Mr. RILEY: I move that the motion be reconsidered.

Mr. LAMPSON: It was only the motion to lay on the table that was voted on. We have not voted on the merits of the proposition yet.

Mr. PETTIT: I don't know how we can vote intelligently on this matter. Nobody seems to understand it.

Mr. FARRELL: It is not necessary to clear it up. The gentleman from Franklin [Mr. KNIGHT] has explained it just exactly as it stands. The amendment offered by the delegate from Huron [Mr. HARTER] simply changes those first two paragraphs by striking them out and introducing almost the identical words of the first two paragraphs of the amendment introduced this morning, except that he eliminates "and townships." The Anderson amendment stands with the Harter proposition and also leaving intact all about revocation and the limitation clause that we just voted in, one saloon to every five hundred.

Mr. PETTIT: That is all right then. I understood the gentleman from Franklin [Mr. KNIGHT], and I don't see how we can make any mistake about it. I don't know what the gentleman from Huron [Mr. HARTER] intended to do, but this is what he did, and Mr. Knight has explained it to my satisfaction.

Mr. CORDES: The intention of Mr. Harter was that this should be substituted and not amended. His intention was to strike out all the Anderson proposal — the whole thing completely — and substitute this in place of it. It should have come in the way of a substitute instead of an amendment to the two sections of the Anderson proposal, and that would eliminate the legislative matter.

Mr. WINN: I make the point of order that the hour has arrived when, under the rules, a vote shall be taken, and I ask for the vote.

Mr. MARRIOTT: I ask that the substitute be now read.

Mr. STALTER: I move that we adjourn.

The motion was lost.

The PRESIDENT: The secretary will read the amendment offered by the delegate from Huron [Mr. HARTER].

Mr. KNIGHT: And before reading can we not have it understood whether the member's impression or the record governs?

Mr. PECK: The record of course.

Mr. ROEHM: It seems to me the member should be given the privilege of correcting what he intended to do. It was done before half-past two, and if he cares to correct that it seems to me the Convention should give him that privilege.

The PRESIDENT: Unless the Convention takes action the president rules that the record stands as it is.

Mr. HARTER, of Huron: Mr. President —

Mr. WINN: I rise to a point of order. Nothing is in order but to proceed with the roll call.

The PRESIDENT: The reading of the amendment has been called for and the secretary will read it.

The amendment was read.

The PRESIDENT: The secretary will now call the roll.

The yeas and nays were taken, and resulted — yeas 74, nays 34, as follows:

Those who voted in the affirmative are:

Antrim,	Halenkamp,	Peck,
Baum,	Halfhill,	Pierce,
Beatty, Morrow,	Harris, Hamilton,	Price,
Beyer,	Harter, Huron,	Redington,
Bowdle,	Harter, Stark,	Riley,
Brattain,	Henderson,	Rockel,
Brown, Lucas,	Hoffman,	Roehm,
Cody,	Hoskins,	Shaffer,
Cordes,	Hursh,	Shaw,
Crosser,	Johnson, Madison,	Smith, Geauga,
Davio,	Kerr,	Smith, Hamilton,
DeFrees,	King,	Stamm,
Donahy,	Kunkel,	Stilwell,
Doty,	Lampson,	Stokes,
Dunlap,	Leete,	Taggart,
Dwyer,	Leslie,	Tallman,
Earnhart,	Ludey,	Tetlow,
Evans,	Malin,	Thomas,
Fackler,	Marriott,	Ulmer,
Farnsworth,	Marshall,	Weybrecht,
Farrell,	Miller, Crawford,	Winn,
Fess,	Miller, Ottawa,	Wise,
FitzSimons,	Moore,	Woods,
Fox,	Norris,	Worthington.
Hahn,	Okey,	

Those who voted in the negative are:

Anderson,	Jones,	Pettit,
Cassidy,	Kehoe,	Read,
Collett,	Kilpatrick,	Solesher,
Colton,	Knight,	Stalter,
Cunningham,	Kramer,	Stevens,
Dunn,	Lambert,	Stewart,
Elson,	Longstreth,	Tannehill,
Fluke,	Mauck,	Wagner,
Harbarger,	McClelland,	Walker,
Harris, Ashtabula,	Nye,	Watson.
Holtz,	Partington,	
Johnson, Williams,	Peters,	

The roll call was verified.

The amendment was agreed to.

Mr. LAMPSON: Now I call for a reading of the Anderson amendment as it stands with this amendment.

The amendment was again read.

The PRESIDENT: The question now is on the adoption of the amendment as amended.

Mr. KING: I offer an amendment.

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

The PRESIDENT: State the point.

Mr. KNIGHT: Under our special rule nothing further is in order. The special rule calls for a vote on all amendments at 2:30 without any further amendments.

Mr. KING: I don't think that is in the rule. I understood amendments would be in order.

Mr. DOTY: It was distinctly agreed, and the motion was so framed, that at half-past two the votes should be taken. It really amounted to the previous question being ordered at half-past two.

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The PRESIDENT: The president will rule that the amendment is in order, but no debate.

Mr. WINN: I appeal from the decision of the chair.

The PRESIDENT: The question is, Shall the decision of the chair be sustained?

Mr. WINN: On that I demand the yeas and nays.

The PRESIDENT: I read from the journal of February 28, 1912:

Mr. Doty moved that the vote upon engrossment of Proposal No. 151—Mr. Anderson, and pending amendments, be taken at 10:30 o'clock a. m. Thursday, February 29, 1912; that until the question of engrossment is decided no further amendments shall be considered; that a motion to lie on the table may be made upon each amendment as it arises; that addresses in debate upon pending questions shall continue; and after the address by the member from Hamilton, Mr. Bowdle, addresses in debate shall be limited to fifteen minutes each.

And, further, that if the Convention shall decide the question of engrossment in the affirmative, the question of passage on second reading shall be placed at the head of the second reading calendar for Monday next, and that the vote thereon shall take place at 2:30 o'clock p. m. Tuesday March 5, and that addresses in debate on second reading shall be limited to twenty minutes each on the part of the members from Erie and Defiance on the main question and to five minutes each to these members upon amendments; and to five minutes each to all other members on either the main question or amendments.

The president would like to call the attention of the Convention to the fact that in the first part of that agreement, which concerns the question before engrossment, there are these words, "no further amendments shall be considered." But in the second paragraph, which deals with the matter at another stage, the question of engrossment having been passed, there is no such language, and the words "no further amendments shall be considered" do not carry over into the second paragraph. It does not state there that there shall not be any amendment, and as the language is capable of two constructions the president places the construction on it and gives the Convention the greatest possible freedom under the agreement that has been made.

The yeas and nays were taken, and resulted — yeas 104, nays 2, as follows:

Those who voted in the affirmative are:

Anderson,	Cunningham,	Fluke,
Antrim,	Davio,	Fox,
Baum,	DeFrees,	Hahn,
Beatty, Morrow,	Donahey,	Halenkamp,
Beyer,	Dunlap,	Halfhill,
Bowdle,	Dunn,	Harbarger,
Brattain,	Dwyer,	Harris, Hamilton,
Brown, Highland,	Earnhart,	Harter, Huron,
Brown, Lucas,	Elson,	Harter, Stark,
Cassidy,	Evans,	Henderson,
Cody,	Fackler,	Hoffman,
Collett,	Farnsworth,	Holtz,
Colton,	Farrell,	Hoskins,
Cordes,	Fess,	Hursh,
Crosser,	FitzSimons,	Johnson, Madison,

Johnson, Williams,	Miller, Ottawa,	Solether,
Jones,	Moore,	Stalter,
Kehoe,	Norris,	Stamm,
Kerr,	Nye,	Stevens,
Kilpatrick,	Okey,	Stewart,
King,	Partington,	Stilwell,
Knight,	Peck,	Stokes,
Kramer,	Peters,	Taggart,
Kunkel,	Pettit,	Tallman,
Lambert,	Pierce,	Tannehill,
Lampson,	Price,	Tetlow,
Leete,	Read,	Thomas,
Leslie,	Redington,	Ulmer,
Longstreth,	Riley,	Wagner,
Ludey,	Rockel,	Walker,
Malin,	Roehm,	Watson,
Marriott,	Shaffer,	Weybrecht,
Marshall,	Shaw,	Wise,
McClelland,	Smith, Geauga,	Worthington,
Miller, Crawford,	Smith, Hamilton,	

Mr. Winn and Mr. Woods voted in the negative.

So the decision of the president was sustained.

The PRESIDENT: The gentleman from Erie offers the following amendment:

Strike out the following: "If any licensee is more than once convicted for a violation of the laws in force to regulate the traffic in intoxicating liquors, the license of said licensee shall be deemed revoked and no license shall thereafter be granted to such convicted licensee."

The question is on the adoption of the amendment of the delegate from Erie.

Several delegates demanded the yeas and nays.

The yeas and nays were taken, and resulted — yeas 28, nays 80, as follows:

Those who voted in the affirmative are:

Bowdle,	Halfhill,	Pierce,
Brown, Lucas,	Harter, Huron,	Riley,
Cordes,	Hoffman,	Roehm,
Davio,	Hoskins,	Shaffer,
DeFrees,	King,	Smith, Hamilton,
Doty,	Kunkel,	Stilwell,
Dwyer,	Leslie,	Ulmer,
Farrell,	Marshall,	Worthington,
FitzSimons,	Moore,	
Hahn,	Peck,	

Those who voted in the negative are:

Anderson,	Harter, Stark,	Peters,
Antrim,	Henderson,	Pettit,
Baum,	Holtz,	Price,
Beatty, Morrow,	Hursh,	Read,
Beyer,	Johnson, Madison,	Redington,
Brattain,	Johnson, Williams,	Rockel,
Brown, Highland,	Jones,	Shaw,
Cassidy,	Kehoe,	Smith, Geauga,
Cody,	Kerr,	Solether,
Collett,	Kilpatrick,	Stalter,
Colton,	Knight,	Stamm,
Cunningham,	Kramer,	Stevens,
Donahey,	Lambert,	Stewart,
Dunlap,	Lampson,	Stokes,
Dunn,	Leete,	Taggart,
Earnhart,	Longstreth,	Tallman,
Elson,	Ludey,	Tannehill,
Evans,	Malin,	Tetlow,
Fackler,	Marriott,	Thomas,
Farnsworth,	Mauck,	Wagner,
Fess,	McClelland,	Walker,
Fluke,	Miller, Crawford,	Watson,
Fox,	Miller, Ottawa,	Weybrecht,
Halenkamp,	Norris,	Winn,
Harbarger,	Nye,	Wise,
Harris, Ashatbula,	Okey,	Woods,
Harris, Hamilton,	Partington,	

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The roll call was verified.

So the amendment was lost.

Mr. MARRIOTT: I move to reconsider the vote by which the amendment offered by the gentleman from Ashtabula [Mr. LAMPSON] limiting the number of saloons to one to every five hundred was passed. I do that for this reason: Under the substitute offered by the member from Huron and adopted by the Convention the number of saloons is to be determined by the municipalities, and the proposal as it now stands amended is inconsistent with itself and very unreasonable, and if we shall finally adopt it, it should be at least consistent with itself.

Mr. LAMPSON: I hope the motion will not prevail.

Mr. DOTY: I rise to a point of order. The motion is out of order in that we have agreed to vote upon the main question and amendments at half-past two and by reason of the ruling nothing can be done that makes debate. The motion to reconsider is in the nature of debate and hence is out of order.

The PRESIDENT: As the motion to reconsider opens up the subject for debate, and as the rule adopted was there should be no debate after a certain hour was reached, and that hour being reached, the president declares the point of order well taken.

Mr. STEVENS: Everybody will agree —

Mr. DOTY: I rise to a point of order. There is no discussion.

Mr. STEVENS: I offer an amendment.

Mr. DOTY: Well, let us have the amendment, not the speech.

The amendment was read as follows:

At the end of the amendment add the following:

"SECTION 5. The judge of election in each precinct shall appoint two inspectors to the count on this proposal, one for each side, whose names have been certified to the presiding judge three days before the election by the dominant opposing committees in charge of the campaign."

Mr. DOTY: I move to lay that on the table.

Mr. MARRIOTT: I second the motion.

Mr. FESS: I rise to a point of order. If the amendment is offered you can move to table or postpone indefinitely, and as the rule was to vote at 2:30 this is a form of debate.

The PRESIDENT: A motion to postpone indefinitely would not be entertained, but a motion to lay upon the table can be entertained.

Mr. FESS: Will you state the reason for that?

The PRESIDENT: The motion to lay on the table is not debatable and the agreement was that there should be no debate.

The motion to table was carried.

Mr. BROWN, of Lucas: I offer an amendment.

The amendment was read as follows:

Strike out at the end of the amendment by Mr. Lampson the words "and municipalities."

Mr. WINN: I move to lay that motion on the table.

Upon which the yeas and nays were regularly demanded; taken, and resulted — yeas 68, nays 39, as follows:

Those who voted in the affirmative are:

Anderson,	Henderson,	Partington,
Antrim,	Holtz,	Peters,
Baum,	Hoskins,	Pettit,
Beatty, Morrow,	Hursh,	Price,
Beyer,	Johnson, Madison,	Rockel,
Brattain,	Johnson, Williams,	Shaw,
Brown, Highland,	Jones,	Smith, Geauga,
Cassidy,	Kehoe,	Solether,
Cody,	Kilpatrick,	Stamm,
Collett,	Knight,	Stevens,
Colton,	Kramer,	Stewart,
Cunningham,	Lambert,	Stokes,
Dunlap,	Lampson,	Taggart,
Dunn,	Longstreth,	Tallman,
Elson,	Ludey,	Tannehill,
Evans,	Marriott,	Tetlow,
Fackler,	Mauck,	Wagner,
Farnsworth,	McClelland,	Walker,
Fess,	Miller, Crawford,	Watson,
Fluke,	Miller, Ottawa,	Winn,
Harbarger,	Norris,	Wise,
Harris, Ashtabula,	Nye,	Woods,
Harris, Hamilton,	Okey,	

Those who voted in the negative are:

Bowdle,	Hahn,	Pierce,
Brown, of Lucas,	Halenkamp,	Read,
Cordes,	Halfhill,	Redington,
Crosser,	Harter, of Huron,	Riley,
Davio,	Hoffman,	Roehm,
DeFrees,	Kerr,	Shaffer,
Donahy,	King,	Smith, Hamilton,
Doty,	Kunkel,	Stalter,
Dwyer,	Leslie,	Stilwell,
Earnhart,	Malin,	Thomas,
Farrell,	Marshall,	Ulmer,
FitzSimons,	Moore,	Weybrecht,
Fox,	Peck,	Worthington.

The roll call was verified.

So the amendment was laid on the table.

Mr. STILWELL: I offer an amendment.

The amendment was read as follows:

Strike out the third paragraph and insert the following: "If any licensee is more than once convicted for a violation of any license regulatory laws in any calendar year the license of said licensee may be revoked and no license shall thereafter be granted to such convicted licensee."

Mr. LAMPSON: I rise to a point of order that that has just been voted on.

The SECRETARY: This is a substitute to strike out the whole third paragraph and insert the language as just read.

Mr. ELSON: I move to lay that on the table.

The motion was carried.

Mr. JONES: I offer an amendment.

The amendment was read as follows:

Strike out the word "shall" in the first line of article I and the word "shall" in the second line of said article and substitute in lieu thereof the word "may"

Mr. DOTY: I move that that amendment be tabled.

The motion was carried.

Mr. FACKLER: I offer an amendment.

The amendment was read as follows:

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Add after the word "municipalities" the following: "having a population of less than fifty thousand people."

Mr. KNIGHT: I move to table that amendment. The motion was carried.

The PRESIDENT: The question is now on the amendment offered by the delegate from Huron as amended.

Mr. DOTY: No; it is on the amendment of the delegate from Mahoning [Mr. ANDERSON] as amended by the amendment offered by the delegate from Huron [Mr. HARTER].

The PRESIDENT: The question is on the amendment offered by the delegate from Mahoning [Mr. ANDERSON] as amended by the amendment that has just been adopted offered by the delegate from Huron [Mr. HARTER].

Several delegates demanded the call of the yeas and nays.

The yeas and nays were taken, and resulted — yeas 96, nays 13, as follows:

Those who voted in the affirmative are:

Anderson,	Halfhill,	Moore,
Antrim,	Harbarger,	Norris,
Baum,	Harris, Ashtabula,	Nye,
Beatty, Morrow,	Harris, Hamilton,	Okey,
Beyer,	Harter, Huron,	Partington,
Bowdle,	Harter, Stark,	Peck,
Brattain,	Henderson,	Pierce,
Brown, Highland,	Hoffman,	Price,
Cassidy,	Holtz,	Redington,
Cody,	Hoskins,	Rockel,
Collett,	Hursh,	Roehm,
Colton,	Johnson, Madison,	Shaffer,
Cordes,	Johnson, Williams,	Shaw,
Crosser,	Jones,	Smith, Geauga,
Davio,	Kehoe,	Smith, Hamilton,
DeFrees,	Kerr,	Solether,
Donahey,	King,	Stamm,
Doty,	Knight,	Stevens,
Dunlap,	Kramer,	Stilwell,
Dwyer,	Kunkel,	Stokes,
Earnhart,	Lambert,	Taggart,
Elson,	Lampson,	Tallman,
Evans,	Leete,	Tetlow,
Fackler,	Leslie,	Thomas,
Farnsworth,	Longstreth,	Ulmer,
Farrell,	Ludey,	Wagner,
Fess,	Malin,	Walker,
FitzSimons,	Marriott,	Watson,
Fluke,	Marshall,	Weybrecht,
Fox,	McClelland,	Winn,
Hahn,	Miller, Crawford,	Wise,
Halenkamp,	Miller, Ottawa,	Woods,

Those who voted in the negative are:

Brown, Lucas,	Peters,	Stewart,
Cunningham,	Pettit,	Tannehill,
Dunn,	Read,	Worthington,
Kilpatrick,	Riley,	
Mauck,	Stalter,	

The roll call was verified.

So the amendment was agreed to.

The PRESIDENT: Now the question is on agreeing to the amendment offered by the member from Huron [Mr. HARTER] as amended by the amendment of the delegate from Mahoning [Mr. ANDERSON] just adopted.

The amendment was agreed to.

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

The yeas and nays were taken, and resulted — yeas 90, nays 18, as follows:

Those who voted in the affirmative are:

Anderson,	Harbarger	Miller, Ottawa,
Antrim,	Harris, Ashtabula,	Moore,
Baum,	Harris, Hamilton,	Norris,
Beatty, Morrow,	Harter, Huron,	Nye,
Beyer,	Harter, Stark,	Partington,
Bowdle,	Henderson,	Peck,
Brattain,	Hoffman,	Pierce,
Brown, Highland,	Holtz,	Price,
Cassidy,	Hoskins,	Redington,
Cody,	Hursh,	Rockel,
Collett,	Johnson, Madison,	Roehm,
Cordes,	Johnson, Williams,	Shaffer,
Crosser,	Jones,	Shaw,
Davio,	Kehoe,	Smith, Geauga,
Donahey,	Kerr,	Smith, Hamilton,
Doty,	King,	Stalter,
Dunlap,	Knight,	Stamm,
Dwyer,	Kramer,	Stilwell,
Earnhart,	Kunkel,	Stokes,
Elson,	Lambert,	Taggart,
Fackler,	Lampson,	Tallman,
Farnsworth,	Leete,	Tetlow,
Farrell,	Leslie,	Thomas,
Fess,	Longstreth,	Ulmer,
FitzSimons,	Ludey,	Wagner,
Fluke,	Malin,	Weybrecht,
Fox,	Marriott,	Winn,
Hahn,	Marshall,	Wise,
Halenkamp,	McClelland,	Woods,
Halfhill,	Miller, Crawford,	Worthington,

Those who voted in the negative are:

Brown, Lucas,	Mauck,	Solether,
Colton,	Okey,	Stevens,
Cunningham,	Peters,	Stewart,
DeFrees,	Pettit,	Tannehill,
Dunn,	Read,	Walker,
Kilpatrick,	Riley,	Watson,

The roll call was verified.

So the proposal passed as follows:

Proposal No. 151 — Mr. Anderson:

To submit an amendment to section 18, of schedule of the constitution. — Relative to the liquor traffic.

Resolved, by the Constitutional Convention of the state of Ohio, That a proposal shall be submitted to the electors to amend the constitution by substituting for section 18 of the schedule the following:

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

FOR LICENSE.

License to traffic in intoxicating liquors shall hereafter be granted in this state, and license laws operative throughout the state shall be passed with such restrictions and regulations as the general assembly may provide, and the general assembly

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shall authorize municipal corporations to provide for the limitation of the number of saloons, under general laws applicable thereto; provided that where traffic is or may be prohibited under the laws applying to counties, municipalities, townships, residence districts, or other districts prescribed by law, the traffic shall not be licensed in any such local subdivision while any prohibitory law is operative therein, and nothing herein contained shall be so construed as to repeal, modify or suspend any such prohibitory laws, or any regulatory law now or hereafter enacted, or to prevent the future enactment, modification or repeal of any similar prohibitory or regulatory laws.

No license shall be granted to any person who at the time of making such application is not a citizen of the United States and of good moral character. No license shall be granted to any applicant who is in any way or manner interested in the business conducted at any other place where intoxicating beverages are sold or kept for sale, nor shall such license be granted unless the applicant or applicants are the only persons in any way or manner pecuniarily interested in the business asked to be licensed, and that no other person shall in any manner whatsoever be in any way interested therein during the continuance of the license, and if such interest of such person be made to appear, the said license shall be deemed revoked.

If any licensee is more than once convicted for a violation of the laws in force to regulate the traffic in intoxicating liquors, the license of said licensee shall be deemed revoked, and no license shall thereafter be granted to such convicted licensee.

No application for license shall be granted unless the business for which license is allowed shall be located in the same county or an adjoining county to that in which the person or persons live and reside whose duty it is to grant such license.

No legislation shall authorize more than one license to each township or municipality of less than five hundred population, nor more than one for each five hundred population in other townships and municipalities.

SECTION 2. At said election a ballot shall be in the following form.

INTOXICATING LIQUORS.

	For License.
	Against License.

SECTION 3. The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words "For License" if he desires to vote in favor of the article above mentioned and opposite the words "Against License," within the blank space, if he desires to vote against said arti-

cle. If a cross-mark is placed opposite both phrases or neither phrase, then the vote upon the subject shall not be counted.

SECTION 4. If the votes for license shall exceed the votes against license, then the article above mentioned shall become section 9 of article XV of the constitution, and the present section 9 of said article, also known as section 18 of the schedule shall be repealed.

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

PETITIONS AND MEMORIALS.

Mr. Antrim presented the petition of E. B. Westenhaver, secretary of the Farmers' Institute of Wetzel, in favor of equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Antrim presented the petition of the Farmers' Institute, held in Jackson township, protesting against the passage of the King proposal; which was referred to the committee on Liquor Traffic.

Mr. DeFrees presented the petition of B. E. Stevens and forty-four other citizens of Miami county, remonstrating against the passage of the King proposal; which was referred to the committee on Liquor Traffic.

Mr. Davio presented the memorial of the city council, of Cleveland, in favor of abolishing capital punishment; which was referred to the committee on Judiciary and Bill of Rights.

Mr. Colton presented the remonstrance of W. F. Jewell and sixty-four other citizens of Ravenna, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Halfhill presented the remonstrance of N. M. McDorman and thirty other citizens of Allen county, against adoption of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Thomas presented the memorial of the city council, of Cleveland, in favor of abolishing capital punishment; which was referred to the committee on Judiciary and Bill of Rights.

Mr. Wagner presented the petitions of the Rev. I. C. Wynn and twenty-six other citizens of Darke county; of Jas. H. Stoltz and the Gettysburg Farmers' Institute, of Darke county, protesting against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Knight presented the memorial of the Seventh-Day Adventist church, of Columbus, protesting against passage of Proposals No. 65, No. 121, No. 204; which was referred to the committee on Education.

Mr. Wise presented the petition of the Rev. J. P. Stahl and fifty-one other citizens of Alliance, asking for a measure that will give the people an opportunity to vote for prohibition; which was referred to the committee on Liquor Traffic.

Mr. Weybrecht presented the petition of the Rev. J. P. Stahl and fifty-one other citizens of Alliance, asking for a measure that will give the people an opportunity to vote for prohibition, if not altogether feasible, then to vote for such measure as will look toward prohibition outside of cities having more than 100,000 population; which was referred to the committee on Liquor Traffic.

Mr. Longstreth presented the petition of J. H. Bailly

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and twenty other citizens of Jobs, asking the delegates to vote against any measure that will nullify any existing temperance law; which was referred to the committee on Liquor Traffic.

Mr. Shaw presented the petition of W. C. McCartney and other citizens of Carroll county, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Tetlow presented the petition of G. W. Weaver and twenty other citizens of Columbiana county, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of W. Fountain, of Ravenna; of M. Holdredge, of Ravenna, relative to

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

Mr. Bigelow presented the petition of John W. Steiger and twenty other citizens of Cleveland, asking for the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petition of Thomas Jarman and other citizens of Cleveland, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Indefinite leave of absence was granted to Mr. Matthews.

Mr. DOTY: I now move that the Convention adjourn until tomorrow morning at 10:30 o'clock.

The motion was carried.