

TWENTY-NINTH DAY

(LEGISLATIVE DAY OF MONDAY)

MORNING SESSION.

WEDNESDAY, February 28, 1912.

The Convention met pursuant to recess, the president in the chair.

Mr. ANDERSON: I wish to offer the following substitute for Proposal No. 151 so that it can be read:

Strike out all after the word "Ohio" in line 1 of the resolving clause in Proposal No. 151—Mr. Anderson, and all pending amendments, and substitute therefor the following:

That a proposal shall be submitted to the electors to amend the constitution by substituting for section 18 of the schedule 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, alteration or other amendments submitted to them, shall be separately submitted to the electors in the alternative in the words following, to-wit.

FOR LICENSE.

Article 1. License to traffic in intoxicating liquors shall be granted in this state and license laws shall be passed to regulate and restrict said traffic, and shall operate throughout the state, provided, that where the traffic in intoxicating liquors as a beverage is prohibited under laws applying or which hereafter apply to the county, municipality, township, residence district or other districts and places prescribed by law, the traffic shall not be licensed in such described territory so long as the prohibition of such traffic shall by law be operative therein or shall hereafter be operative. Nothing herein shall be so construed as to repeal or modify any prohibitory or regulatory laws, or to prevent their future enactment, modification or repeal.

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. 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.

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 in each township, or municipality of less than 750 population, nor more than one for each 750 population in other townships and municipalities.

AGAINST LICENSE.

ARTICLE 2. No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the general assembly may by law provide against the evils resulting therefrom.

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 first above mentioned, and opposite the words "Against 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 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 first above mentioned shall become a part of article XV of the constitution, provided that the revision or alteration submitted to the people shall be adopted. 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.

Mr. KING: Is that offered as a substitute?

Traffic in Intoxicating Liquors.

Mr. ANDERSON: I want it pending and I offer it as a substitute.

Mr. KING: I now move that this be laid on the table.

Mr. ANDERSON: No motion has been made to adopt it.

Mr. LAMPSON: The motion would be in order after the gentleman from Mahoning gets through.

Mr. ANDERSON: I have not made any motion to adopt. When I move to adopt the motion to table will be in order.

The PRESIDENT: Then the substitute is not in order.

Mr. RILEY: I presume the gentleman took the floor to offer the substitute and that the substitute is before the house. He didn't take the floor for the purpose of addressing the Convention except to move the adoption of that substitute.

Mr. ANDERSON: The gentleman is wrong. He has probably not heard. I did not move to adopt the substitute.

The PRESIDENT: The substitute that was read was read merely for information and the gentleman did not move its adoption and it is not pending before this body.

Mr. ANDERSON: The substitute amendment which has just been read I had read for the purpose of discussing, and later on a motion will be made for its adoption. Then a motion to table, or whatever motion they see fit to make, will be in order.

I admit it would be much to the advantage of those who are desirous that Proposal No. 4, without the change of a comma, the dotting of an "i" or the crossing of a "t," should be adopted, that only the technicalities in No. 4 should be discussed. I admit that it would be to the advantage of the gentlemen on the other side if we do not discuss the real merits of this question, but every question that comes before this body for decision necessarily carries with it the nature of the thing itself — the benefit or harm to humanity. The other day my friend, Mr. Elson, said, "It is easy to say we ought to banish the consideration of sentiment from this discussion", and if we did that it would be to the great advantage of the gentlemen who want No. 4 adopted. Not maudlin sentiment, but the sentiment that is natural and normal in every man's breast ought to have full sway in the discussion of all of these questions. Oh, I admit that in this industrial age of ours we are trying to cover up our real sentiments with a veneer of dignity, with a veneer of aloofness, and the more veneer we put on the less happy and the less useful we will be. Consequently I am going to discuss this question, or attempt to, from the standpoint of wet and dry, from the standpoint of the merits of the thing itself, so that we may determine how much consideration it ought to receive at our hands, what good it will be to humanity and what benefit to the state of Ohio and the citizens we represent.

Since what I may say is my opinion and therefore may not amount to anything, no more than the breath that it takes to utter it, I am going to read to you what the courts have said concerning this thing that is under discussion, and I will read from the opinions of the courts of many states:

The habit of drunkenness and the evils attendant upon it, have always received a considerable

degree of attention from the law-making power. And when we consider the poverty, misery, ruin and wretchedness which intoxication entails upon its unhappy victims, and the unspeakable woes which must be endured by helpless and innocent beings dependent upon them, and also by the frequent crimes and disorders produced by the same powers, we may measure in some degree the necessity for a legislative remedy, if one can be found. Every consideration connected with the public welfare imperatively demands it. (73 Md. 250.)

Again:

We presume no one would have the hardihood to contend that the retail trade of intoxicating drinks does not tend, in a large degree, to demoralize the community, to foster vice, produce crime and beggary, want and misery. (68 Ill. 444.)

Mr. STALTER: I would like to know if the states from which you now read decisions have a state license clause? As you go along will you kindly tell us what states have and what have not?

Mr. ANDERSON: My understanding is that Illinois has what the liquor men claim is an excellent liquor law, but to be candid this is 68 Illinois and that decision would be before the present excellent liquor law was passed, so that at the time this decision was rendered they had not on the statute books the legislation they now have. My object in reading from these different court decisions is to catalogue and pigeonhole this thing under discussion, namely, the retailing of intoxicating liquors, and I do not want to give you my opinion. I don't want to define it. I want to give you the definition that all courts have given that have been called upon to render an opinion in this matter.

These courts are not connected with the Anti-Saloon League and they are not members of the alcoholic league either. They are composed of justices elected by reason of their fitness, who are supposed to be impartial and competent. This Illinois decision holds that no person would have the hardihood to contend that the business was other than harmful. The presumption of the Illinois court is wrong, because we have several delegates on the floor of this Convention who had the hardihood to contend that the business is a good and excellent thing.

The next decision says:

The evils which attend and inhere in the business of handling and selling intoxicating liquors are universally recognized, and the danger therefrom to the peace and good order of the community everywhere necessitates the exercise of the police power. (80 N. E. 632.)

Again:

An enumeration of all the evils arising from the use of intoxicating liquors need not be attempted. They are numerous and affect the people collectively and individually. Idleness, poverty, pauperism, crime, insanity, disease and the destruction of human life follow indulgence in the habit of using intoxicating drinks. Millions of our fellow countrymen are addicted to this habit, and of these

Traffic in Intoxicating Liquors.

millions become drunkards. Homes are broken up and domestic peace is destroyed by drunkenness. The prisons, alms-houses and institutions for the care of orphans, insanity and affliction, are largely filled by this vice. * * * Thinking men of this day largely concur in the opinion that the influence of the saloon, and the idleness and vice of the multitude of its clientage, constitute the great peril of American institutions. We think none will deny that nothing but evil flows from this source. (72 Ia. 348.)

Nothing but evil flows from this source!

Again:

The public evils of the intemperate use of ardent spirits, which are the result of an unrestricted use of them are denied by none. The evil extends to all classes of society and adhere to our race with a pertinacity and fatality that would satisfy the mind of the most skeptical that the evil at least, if not the remedy proposed, was constitutional. (4 Mich. 256.)

The saloon business is a business in itself dangerous to the morals and good order of the city. (102 Cal. 483.)

That applies to Ohio and to every state and to every city. Should it be "chained," Judge King? Ah, you wanted the legislature chained down in the jury system. The jury system is not a dangerous thing to humanity. It is not a curse to humanity, but you wanted it chained. Why not chain this dangerous thing?

Again:

Probably no greater curse of crime and sorrow has ever existed than the social drinking saloon. It has probably caused more drunkenness and has made more drunkards than all the other causes combined, and drunkenness is a pernicious source of all kind of crime and sorrow. It is Pandora's box sending forth innumerable ills and woes, shame and disgrace, poverty and want; social happiness destroyed, domestic broils and bickerings engendered; social ties severed; homes made desolate; families scattered; heartrending partings; sin, crime and untold sorrow; not even hope left, but everything lost; an everlasting farewell to all true happiness. (28 Kan. 733.)

Again, and this is from our own state:

If the liquor traffic is a source of evil, and from the language of section 9, article XV, it was certainly regarded as such by the framers of the constitution, then the more the traffic prospers the greater the evils resulting from it will be, and the more it is repressed the less they will be. (44 O. S.)

Our supreme court, therefore, says the greater latitude given — unrestricted license can mean nothing but latitude — the greater the evil, and the more restricted, the less the evil. I am in favor of restriction. I agree with the supreme court and I do not suppose the supreme court is dominated by Mr. Wheeler.

The United States court of the District of Columbia says this:

The law places bar rooms and tipping houses on a footing of tolerance only, and an applicant for license is not to be regarded as a business man proposing to engage in any lawful business.

I read this in reply to Mr. Halfhill, and I call attention to the language, "applicant for license," so they certainly have license there. The United States court for the District of Columbia says, in speaking of that which they are asking us here to license, that the men asking it should not be placed upon the footing of men asking to do that which is lawful. I am trying to pigeonhole and catalogue this thing we are discussing. How much consideration should it receive at our hands?

The supreme court of South Carolina, in the case of the State ex rel. George vs. Aiken, says:

Liquor, in its nature, is dangerous to the morals, good order, health and safety of the people, and is not to be placed upon the same footing with the ordinary commodities of life, such as corn, wheat, cotton and potatoes.

Now I read a decision from the supreme court of the United States. This is the utterance of the highest court of our land:

By the general concurrence of opinion of every civilized and Christian community, there are few sources of crime and misery to society equal to the dramshop, where intoxicating liquors, in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The figures of every state show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source. * * * There is no inherent right in a citizen to sell intoxicating liquor by retail. It is not a privilege of a citizen of the state or of a citizen of the United States. (Crowley vs. Christensen, 137 U. S. 86.)

Does that catalogue it? There is not any inherent right. They cannot come to this body and ask as a matter of right anything. They cannot demand as a citizen engaged in any other business any consideration at our hands according to the supreme court of the United States.

So much for the court decisions. But let us go out of the court and into the realm of politics. We invited Woodrow Wilson to appear before us. Since some one introduced the resolution and some one was anxious for the Hon. Woodrow Wilson to address us, and since he did not come, let me read his advice on this question:

I am in favor of local option. I am a thorough believer in local self-government, and believe that every self-governing community which constitutes a social unit should have the right to control the matter of the regulation or of the withholding of license.

Traffic in Intoxicating Liquors.

Then, I understand, that the distinguished citizen and leading democrat—leading still as he has been leading for a great many years—the Hon. William Jennings Bryan, I understand he is to be here in a few days, and I understand you are going to listen with rapt attention to what he may say, and I understand he is coming here so that you may get light on how best you may discharge your duties. Let me tell you what he has said on this subject, and I want to say to you that it is in entire accord with the decision in 3 O. S. that Judge King read as being in favor of his contention:

The saloon is a nuisance. The evil can no more be confined to the building in which it exists than the odor of a slaughterhouse to the block in which it is located.

Democrats, please pay attention. Bryan is right, as he always is. He says further:

I know, and you know, that they are in league with every other form of evil society. As a rule, if you let the liquor dealer have his way [That is what they are asking here] he will have a disorderly house upstairs, he will have a gambling den in his back room, and his place will be the center of every sort of evil.

The saloon is the bureau of information for every sort of crime. It is the first place that a policeman looks for crime, and the last place he would go to look for virtue.

But that is the thing that is coming here and asking us to legislate in favor of it, and Bryan says if you give a saloon man his way—and unrestricted license is giving him his way and the King proposal is unrestricted license—that it would be worse than a slaughterhouse.

Before coming here, and in fact before we were elected, we were sent portions of a published article by Mr. Marriott, in which Mr. Marriott was caused to say that an unrestricted license is an oddity and that he would like to see a photograph of it. I believe that Mr. Marriott has been accommodated.

Mr. MARRIOTT: I am glad you refer to that and I want to say here, because it may be the only thing I will say on the subject, that I have not only seen this photograph of unrestricted license, but I think I have seen the real thing itself.

Mr. ANDERSON: I interrupted myself so much in what Bryan said that I am going to start again and read it through:

The saloon is a nuisance. The evil can no more be confined to the building in which it exists than the odor of a slaughterhouse to the block in which it is located.

I know, and you know, that they are in league with every other form of evil in society. As a rule, if you let the liquor dealer have his way, he will have a disorderly house upstairs, he will have a gambling den in his back room, and his place will be the center of every sort of evil.

The saloon is the bureau of information for every sort of crime. It is the first place that a policeman looks for crime, and the last place he would go to look for virtue.

Gentlemen, take that great man's description of that which asks us to legislate for it.

Mr. PETTIT: And he will stand by it too.

Mr. ANDERSON: Another brainy democrat in the halls of congress has spoken on this subject, and I want you to listen to his figures. They are astounding. It would seem to me that they must be untrue, but he made this statement in one of his speeches in congress, where he would be criticised if it were not true, and I have never heard any criticism, and therefore presume it is true, and I read now from a speech of Richmond P. Hobson:

The comparative figures show the appalling fact that alcohol is killing off as many Americans every year as all the wars of the world have killed in 2,300 years.

Applied to the whole race, we find that alcohol is killing 3,500,000 white men every year, five times as many as have been killed in war in 2,300 years; so that, stated mathematically, alcohol is ten thousand times more destructive than all wars combined. No wonder the governments investigating the subject have found that war has been only a secondary cause of national decline, and that alcohol has been the real destroyer that has overthrown all the great nations of the past and is now undermining the great nations of today.

But we must not leave all the authority in this kind of a matter to the democrats, because there are a few republicans here, and it seems, therefore, since we want authority from the republican side, that it is only necessary to read what one republican has said, and of course into your mind comes the name—I need not mention it, but I fear the democrats may not know it—Theodore Roosevelt. Mr Brown, of Lucas, is in favor of the recall. He is in favor of recalling ex-presidents. Teddy said:

The saloon tends to produce criminality in the population at large, and lawbreaking among the saloon keepers themselves. When liquor men are allowed to do as they wish, they are sure to debauch not only the body social, but the body politic also.

Now I have a little authority here for the socialist. We have here democrats, republicans and socialists. I am reading now from an excellent book entitled "Men and Mules," written by W. F. Ries, of Toledo, Ohio. Speaking of the saloon keeper he says:

"Can I hold the respect of my friends?" "No!"
 "Is it a necessary occupation?" "No!"
 "Will it bless mankind?" "No!"
 "Can I achieve distinction in it?" "No!"

"Will it cause distress, poverty, insanity and murder and cause innocent women and children to suffer untold agony and bring upon me the curse of my fellowmen?" "Yes!"

Again I read from another socialist writer, and I wish some of you could read the words of this woman, Kate Richards O'Hara, of St. Louis, Mo., in "Common Sense and The Liquor Traffic." She said:

Traffic in Intoxicating Liquors.

Neither can we rightly use the word "freedom" in connection with drunkenness. No man is free to do a thing that harms another. That is license. There can be no human right to engage in a business that wrecks bodies, ruins brains and murders souls.

Again:

I don't know. I have not interviewed Him on the subject, but I think that if I walked right up to the Great White Throne and asked, "Father, what sayest thou?" I am almost sure He would reply: "Go find My girls and boys. Call them from the saloon, the dance hall and the brothel. Save My boys from the curse of drink and My girls from the arms of the white slaver. Let My House be Thy House."

I hope our socialist friends will vote in accordance with the views expressed by their writers, and I hope when the yeas and nays are demanded and the roll is called those of you who were elected as representatives of organized labor—I hope, by reason of past services rendered, you will speak up in a good round tone of voice in favor of the foreign brewery.

But let us see what more of your leaders have said—those leaders in whom you have placed so much confidence—and by what they have said let us judge how they would vote if they were here present representing organized labor.

John Lennon:

Every element of influence that the saloon exercises upon human society is antagonistic to everything that organized labor stands for. The influence of the saloon in its effect upon man is constantly against any and all increases in wages, and is an ever potent force in the world for lowering wages. It is also a force, and a tremendous one, because of its influence upon men and society, against any reduction in the hours of labor.

I understand there are certain proposals pending which attempt to prevent the reducing of wages. Do you labor representatives think you could vote for those proposals and then vote for the alcoholic proposition that will reduce wages? Try to be consistent even if it is painful.

John Mitchell:

I am against the saloons because they are against my people, and I am more than willing to antagonize them. On pay day the saloon keepers are like tigers. My men enter their resorts with their wages and often leave with nothing, and then it falls on the wife to pacify the storekeeper on the non-payment of the bills and the family is left practically destitute. Our union stands for temperance, better and more decent men.

Powderly used to stand high in the ranks of labor, and at the time he stood high in those ranks he said this:

The deadliest enemy of both labor and capital is rum. In the whole English language I find no word which strikes more terror to my soul than the one word "RUM". One of the reasons why labor organizations have failed in the past was be-

cause their leaders did not have the manhood to denounce the liquor traffic as a curse. Neither capital nor competition grind the wage-earner as does the dramshop.

We have certain members who on a certain day wear the shamrock, and I presume they do not want to be without a guide—without some advice on this matter to help them vote—and I am about to read what your leading men have said on this subject, men you revere, men whose judgment in practically everything, you are willing to take. I read from Arch-Bishop Ireland:

Would that God would place in my hands a wand with which to destroy the evil of intemperance. I would strike the door of every saloon and every distillery and every brewery until the accursed traffic would be wiped from the face of the earth.

Arch-Bishop John J. Keene:

As a man and a Christian, I say "Damn the saloon." If I could cause the earth to open up and swallow every saloon in the world, I would feel that I was doing humanity a blessing. We must protect against this thing; it has no redeeming feature; it is bad for the home, for humanity, for the church, for the country.

Cardinal Gibbons:

The great curse of the laboring man is intemperance. It has brought more desolation to the wage-earner than strikes, or war, or sickness, or death. It is a more unrelenting tyrant than the grasping monopolist. It has caused little children to be hungry and cold, to grow up among the evil associations, to be reared without the knowledge of God. It has broken up more homes and wrecked more lives than any other cause on the face of the earth.

Cardinal Manning:

I impeach the liquor traffic of high crimes and misdemeanors against the commonwealth. It is mere mockery to ask us to put down drunkenness by moral and religious means when the legislature facilitates and multiplies inducements to intemperance on every hand.

I do not see the gentleman present who thought it was proper to send every drunkard to the penitentiary and present every saloon keeper with a medal. Just think of that statement for a minute. Oh, you have seen the finished product of the saloon, which is thrown out on the human junk pile, that this gentleman, with so much human sympathy and kindness in his heart, would send to the penitentiary, and the man who was responsible for the human wreck should be praised and voted for. This man, by reason of the making of the finished product, rides around in his automobile, bedecked with diamonds.

That puts me in mind of an original gentleman by the name of Taylor, who lives up in our vicinity. We have a place in Youngstown called "The Diamond". It is of the nature of a park, and on sunshiny days the finished product of the saloon, the riff-raff, the rag-tag, the down-and-outer, congregate at this place and loaf, and this man

Traffic in Intoxicating Liquors.

Taylor, noticing these men sitting around on the curb at "The Diamond", and noticing that the saloon keeper, as a rule, was bedecked with much jewelry and wore diamonds on his fingers and shirt-front, it all caused Taylor to say, "The saloon puts loafers on diamonds and diamonds on loafers."

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

Mr. ANDERSON: Certainly:

Mr. STAMM: I would like to ask the gentleman from Mahoning [Mr. ANDERSON] whether the bar-room of the Hotel Hartman is classified as a saloon? What sort of institution would you classify that as? And did you detect the odor of a slaughterhouse last night when you treated the crowd in the bar-room of the Hotel Hartman?

Mr. ANDERSON: I will gladly answer. I took a glass of lemonade. I think you took beer. Let me suggest another thing, that it was not in the bar-room. I invited you as a delegate, but it seems not as a gentleman —

The PRESIDENT: The chair will rule that the question is out of order.

Mr. ANDERSON: I wanted to answer the question, and right in this connection I say I am not a member of the Anti-Saloon League. Why, I am so far from the Anti-Saloon League that they would not let me go on the Liquor Traffic committee — I nearly said the temperance committee. I have a right to go to such places if I want to. I presumed they were respectable. You were there, Mr. Stamm, and drank at my expense, and you took good care not to spend any of your own money.

I do not mean it as applying to the gentleman who interrupted me, but in private conversations, if the things we say and do in a joking way, after the adjournment of the day's work — I do not think such things should be introduced here. It really seems to me to be offending against good taste. But maybe we are not the possessors of any such good taste. I do not know.

Again let me refer to labor. I have read what the leading men in labor have said. I am not unfamiliar with the arguments of the wets, and I am not unfamiliar with the arguments of organized labor — that the members of organized labor should not lose their jobs in employment where alcoholic beverages are produced. In other words, it is said to members of organized labor, if prohibition could be accomplished then you would throw out of employment all the men now employed by the capital invested in the business. That is true. But you forget one part of that so-called argument, and that is you would take that capital out of that business by doing away with the business. The capital would be idle. The men would be idle, and capital hates to be idle just as much as men do, and if you make the capital idle now invested in the producing of alcoholic beverages it would seek other channels of investment. Then the question arises, would it give more or fewer men employment?

Let me read:

In Rochester, N. Y. (By last U. S. Census): Invested in breweries, \$6,500,000; employes, 434 persons; paid in wages, \$381,000.

In the same city: Invested in boots and shoes, \$3,500,000; employes, 4,868 persons; paid in wages, \$2,031,000.

Now, for the prosperity of Rochester which was the more beneficial in the way of employing men, the brewery, with \$6,500,000 capital that only employed 434 persons and paid out only \$381,000 in wages, or the \$3,500,000 invested in boots and shoes, which employed 4,868 persons and paid out \$2,031,000 in wages?

In Sebring, Ohio, Mahoning county, they have invested about \$1,000,000 in the pottery business. This industry last year employed over 1,000 persons and paid in wages over \$600,000. The same money invested in the liquor industry would only employ 66 persons and would pay not over \$58,000 in wages.

Which would be the more beneficial to Sebring, the pottery or the brewery? Which is the more beneficial to the laboring man, the pottery or the brewery?

But some state that if you had all of that capital employed in the production of other things there would be no one to use up that which was produced. That argument is based on the idea that we are suffering from overproduction. There is no such thing as overproduction. It is underconsumption. The curse of every country is underconsumption and not overproduction. How many of us here obtain all we want? Probably not half a dozen of the one hundred and nineteen delegates — certainly not to exceed that — get everything they want. Do we not have to debate with ourselves whether or not we can afford to get the luxuries of life? In other words, you stop and figure out whether you can afford to get this, that or the other thing. We can not have everything we wish, because we are not possessed of enough of this world's goods. But if it had been possible that all the saloons and all the breweries had been wiped out fifty years ago, just think of the condition of the country today. But, you say, it cannot be. And you must admit that it is getting worse and worse every year, and anything that is getting worse and worse every year ought not to be permitted to continue and the quicker you stop it the better for humanity.

The saloon very largely makes its money from the workingman. Eighty per cent of the money that goes across the bar of the saloon goes out of the pocket of the workingman. I am not criticising the workingman, but it is absolutely true, and the reason is that the wealthier man patronizes the clubs while the workingman patronizes the saloon. Sam Jones used to say that his objection to a saloonkeeper was the same as his objection to a louse — "He gets his living off the heads of families," and that is absolutely true. Sam didn't put it in very good language, but the pun is all right, for the saloonkeeper really does get his living off the heads of families. You go into a saloon and what do you get? Do you get a bargain? In a bargain you get value received for what you pay out. Do you get that when you go into a saloon? No, you get a bar-gain. Let me illustrate: A man goes to a grocery store and purchases a sack of flour. He starts home and on his way falls, the sack of flour breaks open and the flour is lost. He is sorry and when he gets home and informs his wife and children they are sorry, because he has lost something of value. Suppose he goes into a store and buys a suit of clothes and on his way home he loses it. When he tells his family about it, they are again sorry. But suppose the man goes into a saloon and purchases a jug of whisky and on his way home loses that or falls and breaks

Traffic in Intoxicating Liquors.

it, is the family sorry he has lost it? Certainly not. For he has lost nothing of value. In fact, he has lost that the consumption of which would be to his great detriment. Some men are trying to put the jug of whisky on the same basis as the suit of clothes of the sack of flour, but it does not belong there. Nobody obtains a bargain in a saloon. All he gets is a bar-*gain* and nothing more.

I wish to beg pardon for taking so much of your time, but I do not want you when your names are called to vote wrong and afterwards say, "Oh, if I had been told this or that I would have voted differently." Sometime in the years to come, when these bound volumes of the printed record, containing the debates in which you are vitally interested, are sent to our homes, when you pick them up pleasant memories of this time in Columbus will arise, and when that time comes I want you to examine these quotations and figures and then turn over and examine your votes and how they are recorded. Or in twenty, thirty or fifty years to come, when some one in your family opens some one of these printed volumes and reads with pride what you, their relative, did as a member of this Convention, I want them to see these figures and see these arguments and see whether or not your vote was sustained, for the figures and arguments show the conclusions to which you must come if you are honest.

The liquor men have asked the farmers, and it has had some weight with them, if you vote out the saloon and the distillery, what then will become of the grain that the distillery now uses? And the farmer hears the jingle of the guinea, and not wanting to lose the sale of his product, his vote is influenced. In the same breath this wet representative tells the farmer that in dry territory they sell more of their product after it becomes dry than before. They use these two alleged arguments in the pamphlet or in the same speech. First, that the farmer loses because his grain is not used and then that they sell more in dry territory than they do in wet. Those two arguments are absolutely inconsistent. Let me read to you:

There are spent annually two billion dollars for liquor. If these two billion dollars were to be expended for other commodities, the following shows the proportionate amount which the farmer would receive: Clothing, \$490,000,000; boots and shoes, \$610,000,000; woolen goods, \$927,000,000; cotton goods, \$945,000,000; leather, \$1,000,000,000; flour, \$1,220,000,000; meat, \$1,320,000,000; liquor, \$110,000,000.

Of all that money expended for liquor the farmer only gets the pittance of \$110,000,000. So I say to the farmer, as measured by the amount he receives, it is far better to have that money go into clothing, boots and shoes, woolen goods, cotton goods, leather, flour, or meat, than it is to have it go into liquor. They have told you that the grain other than corn that goes into the manufacture of alcohol amounts to so much that the farmers should always vote wet. If the children of the drunkards of this country who go hungry to bed and get up hungry in the morning and sit down to a table with practically nothing on it, could have what they want to eat every morning and evening, it would only require a week for the drunkard's children to consume more

grain than is consumed in a year in the production of alcoholic beverages.

Let me read you an editorial from the Telegram of Youngstown. This is about a year old. Remember that this appeared in the Youngstown Telegram about a year ago and there has been no contradiction of it since from any source:

The returns to the county auditor show that within the past year the number of saloons in Mahoning county has increased from 347 to 407, or over 17 per cent.

They show that in East Youngstown, Ohio, which according to the census has 5,000 population, there are 40 saloons, or 1 for every 125 men, women and children in the village.

These returns further show that in the city of Youngstown, with a population of 79,000 according to the census, which has probably increased to 82,000 by this time, has 346 saloons, or 1 for every 237 men, women and children in the city.

It is a fair estimate to say that two-thirds of the population of Youngstown are women and children and men who use no liquor under any circumstances. If this is true, there is 1 saloon for every 89 patrons. The average income of the 246 saloons in Youngstown is probably not less than \$9,000 a year and may considerably exceed that sum.

We believe this will be conceded generally to be a conservative figure. It probably is below rather than above the actual facts. Yet, on this basis, the liquor bill of Mahoning county will amount to \$4,000,000 annually.

Four million dollars a year would buy 1,000 homes costing \$4,000 each, or 2,000 homes worth \$2,000 each. It would buy 2,000,000 pairs of children's good shoes, or 160,000 women's dresses, costing \$25, or it would buy \$1,000 worth of furniture each for 4,000 homes. Or it would pay all the expenses in a good Ohio college for over 8,000 young men and women.

Is Youngstown any better off by reason of the expenditure of \$4,000,000 every year across the counter of a foreign brewery-owned saloon?

I find I have taken so much of your time that I shall omit much that I intended to say.

The ex-president, in speaking to us, I understand, said that his guiding star is Lincoln. Let me read to you what Lincoln said on this subject:

The liquor traffic is a cancer in society, eating out the vitals and threatening its destruction, and all efforts to regulate it will not only prove abortive but will aggravate the evil. There must be no mere effort to regulate the cancer; it must be eradicated; not a root must be left, for, until this is done, all classes must continue in danger or become victims of drink.

Our friend from Sandusky [Mr. STAMM] compared it to a boil. Lincoln says it is a cancer.

Now I read you the words of a man who no doubt spoke many times in this hall. William McKinley used

Traffic in Intoxicating Liquors.

these words and they apply to the situation today almost as if McKinley were here present speaking:

There is not a home or hamlet in the state that is beyond its influence. By legalizing this traffic we agree to share with the liquor seller the responsibility and evils of his business. Every man who votes for license becomes of necessity a partner to the liquor traffic and all its consequences.

How wonderfully true those words are today.

In a very few moments I shall finish. Will you gentlemen assist in making a little test? No; it might be impertinent—

Mr. DOTY: Is it Christian Science?

Mr. ANDERSON: No; if it were Christian Science it would be a splendid thing for my friend from Cuyahoga [Mr. DOTY] because all we would have to do to have a thing go through would be to imagine it had been accomplished and we would save him considerable trouble.

Now I read the names of certain secret societies. If you are a member of any of them, just make a mental note of it: Gleaners, Tribe of Ben Hur, American Yeomen, Catholic Mutual Benevolent Association, Catholic Order of Foresters, Fraternal Body, Fraternal Union of America, Odd Fellows, Junior Order of American Mechanics, Knights of Columbus, Knights of Honor, Macabees, Knights of Pythias, Modern Woodmen, Mystic Workmen, National Union, Protected Home Circle, Loyal Legion, Woodmen of the World, Masons.

Some of you gentlemen are members of some of these societies. When you joined did you subscribe to their by-laws and constitution? Of course you took the obligation, and you are still satisfied with the by-laws and constitution if you are still a member, and yet each one of these societies says to the saloon keeper, "You can not enter." Why? Is it because he is too good to come into their body? Oh, no; it is because they do not want him sitting by their side. You don't want to give him the grip of brotherhood because you think he is a detriment to society. Which is the greater to you, your society or your home? Which needs the most protection, the members of your lodge or the boys and girls? Remember your obligation in your secret societies when you vote on this question. Will you vote for unrestricted license and then say that no saloon keeper can join your society? Oh, consistency!

Speaking of boys, let me give you the brewers' estimate of boys. I am going to give what a brewer said about boys and I am going to read from this book. This brewer is the same kind of a man that asks you now to favor unrestricted license: I read from "Profit and Loss in Man," by Hopkins, page 21.

This book can be found in all the libraries. This was said in a convention of brewers when they thought only brewers were present. One of the gentlemen got up in his seat and said:

It will appear from these facts, gentlemen, that the success of our business is dependent largely upon the creation of appetite for drink. Men who drink liquor, like others, will die, and if there is no new appetite created our counters will be empty as well as our coffers. Our children will

go hungry, or we must change our business to that of some other.

The open field for the creation of this appetite is among the boys. After men have grown, and their habits are formed, they rarely ever change in this regard. It will be needful, therefore, that missionary work be done among the boys; and I make the suggestion, gentlemen, that nickels expended in treats to the boys now, will return in dollars to your till after the appetite has been formed. Above all things, create appetite.

Mr. KING: Will you give us the time and place and by whom that was uttered?

Mr. ANDERSON: I will gladly let you examine the book. Really I was not present at the convention. I was not invited, and the only way I have of judging whether it is true or not is that it is in this book which you can find in any public library.

Mr. DOTY: What is the book?

Mr. ANDERSON: "Profit and Loss in Man," by Hopkins.

Mr. DOTY: Who is the speaker?

Mr. ANDERSON: I do not know. It is in a rather long article. I say it is contained in this book that has been on the shelves of the library for some years. I don't say it is true. It is my only authority for it. I don't suppose Judge King was present and heard it, and therefore he is not in any better position to say whether it actually did happen than I am.

Mr. ELSON: But suppose such a thing was not uttered by a brewer and that part of it is fiction. Is not what was stated there the real facts?

Mr. ANDERSON: I think it is.

Mr. ELSON: And is not that the real point of the thing?

Mr. ANDERSON: Certainly.

Mr. RORICK: Will you allow me a question?

Mr. ANDERSON: Is it in connection with what I am arguing?

Mr. RORICK: Yes.

Mr. ANDERSON: All right.

Mr. RORICK: If that is true, is it not just as essential that all of us who are in favor of temperance should take pains to keep our boys from cultivating an appetite as those who are in favor of intemperance want to cultivate the appetite?

Mr. ANDERSON: Yes.

Mr. RORICK: I want to know if that question has anything to do with the proposal to be submitted to the people of the state of Ohio?

Mr. ANDERSON: I will answer that. I suppose the merits of the thing that is knocking at the door of this Constitutional Convention ought not to be examined too closely. It is embarrassing.

Let me analyze a little further and I want to say that the suggestion is correct. It is our individual duty to protect our boys, but if the individual father has failed because of the creation of the appetite, just as the brewer indicated, I am in favor of restricting the license.

Mr. RORICK: I am too.

Mr. ANDERSON: Then vote that way. I am in favor of a restricted license so if that saloon owned by the brewer oversteps the bounds or violates the law we can close it.

Traffic in Intoxicating Liquors.

Mr. RORICK: I am with you.

Mr. ANDERSON: Thank you. And I want to chain down the legislature so it can not do otherwise. Are you with me there?

Mr. RORICK: Yes, most emphatically with you, but let us confine ourselves to that proposition in the report.

Mr. ANDERSON: I want to say to the gentleman that I am pleased to find out his position. I want to say that I am replying to arguments that have been used here.

Now I am going to talk about personal liberty. Mr. Roehm, of Montgomery, spoke about personal liberty, that he had lived in the town of Dayton all his life and he wanted for himself personal liberty, so, therefore, it is a thing that has been injected into the debate and it is the stock argument everywhere, "personal liberty." What is personal liberty? Just as the term implies, liberty, personal to one's self, without regard or attention to any other human being. That is personal liberty. You can not have it. It does not exist and the more dense the population the less personal liberty you have and the more civil liberty. Only two people have had personal liberty, one in fiction and the other in the Bible. The person mentioned in fiction who had personal liberty was Robinson Crusoe. After his shipwreck on the island he had personal liberty until he saw the footprints of his man Friday in the sand, and then his personal liberty ceased and became civil liberty. The other man who had personal liberty was Adam and he only had it until Eve came.

Now let us examine just a minute what is meant by personal liberty. Take the cuticle of my left thumb. Those little insignificant markings on my thumb are different from the markings on any other thumb in all this wide, wide world. That is used in the Bertillon system as the means of identification. If the great Creator, the All Wise God saw fit to make one of us so individual that the cuticle on our thumbs differ from that on every other thumb in all the world, what about our cerebrum and cerebellum and medulla? If you are different from every other person on earth as to the skin on your thumb, what about the mechanism of your brain? So our ideas are just as different as the cuticle on our thumbs. Then can you have personal liberty with all those different ideas and desires—passions seething within you? Why, it would be the liberty of a tiger. Writers on psychology say that there is in each person a dual personality—some say triple, but say there are in each person two personalities, the Doctor Jekyll and the Mr. Hyde. If we have personal liberty such as you say you want, then it means we are all Hyde's, that we would be a nation of Hyde's. Civil liberty makes Doctor Jekyll's. Let me prove that to you. In these days of moving pictures, say, for instance, that each one of you delegates had beside you in your seat a roll of film and upon that film was your life as you know it to have been, as you and God only know—your life, every detail of it, everything so far as you can remember placed on that film—and across the street was a moving-picture apparatus, how many of us would you invite over there to see your life thrown upon the canvas? The things that you would not want any of us to see on that canvas represent the times when you exercised your personal liberty. But where is the personal liberty of the wives and the children of the drunkards? Of course you didn't think of the personal liberty of those connected with the saloon product.

Tests have been made and these tests have shown—and remember the Anti-Saloon League didn't make the test; they were made by scientific men—that in the descendants of ten temperance families, eighteen per cent. were degenerate and 82 per cent. normal. In the descendants of ten intemperant families, 82.5 per cent. degenerate and 17.5 per cent. normal. Where is the personal liberty of these children of the intemperant?

Another thing about personal liberty. Say for instance that your child's temperature is up to 102 or 103 and you send for a doctor and the doctor comes and makes an examination and says the temperature must be reduced. The pulse is up, the respiration is rapid and the temperature must be reduced; he writes out a prescription and you go across to the drug store and get it filled and the druggist, owning his own drug store, owning his own drugs, owning the ground upon which the drug store is erected, gives you adulterated drugs. You take the medicine home and give it to your boy as per instructions and his temperature does not go down and the boy dies; you go to the druggist and say, "Why did you give me drugs that were not pure?" In reply he says, "That is my personal liberty." Suppose I own a piece of property in the town of Youngstown. My house burns down. I am in the fire zone and I order my lumber and get ready to excavate and build a house on that place. The inspector comes around and says, "What kind of a house are you going to build there?" I reply, "I am going to build a frame house." He says, "You can't build a frame house; this place is in the fire district." I say, "Inspector you go on about your business, this is my lot and my lumber and I am going to put up this house." He goes down to the station house and directly a blue-coated fellow comes up and takes me in charge. That interferes with personal liberty. Do you have anything of that kind in Dayton?

Then about milk. Say for instance the milkman comes to your door and you purchase milk and you, because of dyspepsia, put water into it. That is your personal liberty and nobody, wet or dry, questions that or can interfere with your personal liberty on that. But suppose that the milkman puts water in his milk before you get it, you can have him arrested under the law; and suppose in defense he would say, "I own the cow, I own the farm and I own the hay and grain and I hire the hand that milks the cow and I own the pump. Haven't I a right to do as I please with things I own?" Oh no; there is no personal liberty there.

Now, one thing and I have finished concerning this matter. I go back to Lincoln again. Let me read what Douglas said in that immortal debate in 1857:

If Kansas wants a slave-state constitution, she has a right to it; if she wants a free-state constitution, she has a right to it. It is none of my business which way the slave cause is decided.

And here is what Lincoln said in response:

He contends that whatever community wants slaves has a right to have them. So they have, if it is not wrong. But if it is wrong, he cannot say a people have a right to do a wrong.

It seems to me that answer of Lincoln to Douglas concludes the argument in reference to the cry of personal liberty.

Traffic in Intoxicating Liquors.

I have been asked where personal liberty first originated. I want to tell you. It originated in the Garden of Eden. You remember the situation, all of you. Adam and Eve in the Garden, divinely happy, divinely content, then the great Jehovah came along—and by the way, he was the first prohibitionist, because he prohibited the use of the fruit of one tree. And yet after Adam and Eve were prohibited they were still divinely happy and divinely content, until the first representative of personal liberty wormed its slimy way into the Garden and said, "Your personal liberty is being interfered with." That is where the argument originated. One of the gentlemen spoke about the Bible as being an authority for the wets. If it is, it is strange that it has the effect on the men who read it most of making them entirely on my side of this question. If it is an authority for the wets, it seemingly influences the other way. But this man argues about the turning of water into wine and then says that wine was intoxicating liquor because the Hebrews could not be fooled. The last analysis of an argument of that kind means that if the lowly Nazarene were on earth today he would be a saloon keeper and over the door of the saloon would be "Suffer little children to come unto me." No; instead of that being over the saloon door, that line from Dante would be there inscribed, "Abandon hope all ye who enter here."

Mr. PRESIDENT: I move the adoption of the substitute.

The substitute was read by the secretary.

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

Mr. PECK: I think that we have had about enough instruction on this question. I do not believe anything is to be made by any further debate on it. Granting all the evils complained of in the liquor question, there is only one practical mode of remedying them and that is by license. Therefore I move the previous question.

DELEGATES: No.

Mr. PECK: Why not?

The PRESIDENT: Is there a sufficient number of seconds to the motion. The chair sees no seconds and the question is on the adoption of the substitute amendment of the delegate from Mahoning [Mr. ANDERSON].

Mr. FACKLER: I want to ask for information. This substitute amendment can not be further amended and consequently members will have to vote for or against it without further amendment. Is that correct?

Mr. EBY: I have heard that from now on the remarks and speeches of the various members on this question are intended for home consumption; at least so this morning's Ohio State Journal stated. I hardly think that will apply to the eloquent speech that we have just heard from the gentleman from Mahoning [Mr. ANDERSON] nor do I believe that the talk we shall hear from the gentleman from Hamilton [Mr. BOWDLE] is intended at all for the discomfiture of the bald headed son-in-law to whom the gentleman from Ashtabula [Mr. HARRIS] alluded the other day.

I do not come here as a prohibitionist nor do I come as an apologist for the liquor traffic, but we had such a peculiar condition in Preble county last fall that I must give that partly as my excuse for making some of the remarks that I am now going to make.

In the early part of last fall's campaign two worthy

citizens announced themselves as candidates for delegate to the Constitutional Convention. One upon his former prohibition record and the other upon the ground that he was now a member of the Personal Liberty League of Montgomery county. It is a fact that in those southwestern Ohio counties a man's political astuteness is gauged by the amount of dexterity he can show in escaping this question, especially when he runs for office, and after he is elected if the duties of that office in the execution of them relate in any way to any phase of this question. And the press of the neighboring counties, after making note of the entrance of these two worthy citizens of my county as candidates for membership in this Convention, remarked that it was still true that fools rush in where angels fear to tread.

Another thing developed in that race. I have never had an opportunity of casting a vote in my home county in a local option election or in any legislative body here in the state capital that had any effect upon the status of the open saloon. So two days after my petition was filed they found that the day Preble county voted dry under the Rose law I did not vote, as I had business in some other county, and although that was years before this Constitutional Convention was called yet they said that even then I had designs on this office and that the reason I did not vote at that local option election was because I did not wish to go on record.

As the campaign went on the liquor men said I would not do because I had not performed the duties of citizenship on that day, and my prohibitionist friends said I wouldn't do because they said I had dodged that issue and I thought as time went on that I should not get any votes at all.

Mr. DOTY: How did you work them?

Mr. EBY: So I submit that when this question is submitted to the people hereafter it will not be settled by the liquor interests and it will not be settled entirely by the prohibitionists, but it must be settled by the great body of reasonable and rational middle class of men. It is a peculiar thing that no other question we have considered or shall consider will give us the trouble this question shall. The initiative and referendum, the jury system and woman's suffrage are all elementary. The men who met here forty years ago in convention didn't have anything to do with them. I don't believe the conventions that will meet in the future will be called upon to consider these questions, for no matter what we do with the initiative and referendum and no matter what the people may do with the proposal we submit to them on that, I believe if it is a good thing in time it will not only be embodied in the organic law of Ohio, but in the organic law of every state in the Union, and will pass beyond the pale of public discussion. In the progress of every nation the county is torn almost from center to circumference on issues when they are first advanced, but in this great country we settle the questions in the march of events and settle them rightly. But here is a problem that reaches back almost into antiquity itself, and you may pardon me when I say that the men who are talking about a complete solution of this question at the hands of this Convention are only indulging in a pipe dream. Now what is the peculiarity about this question that it has received not only the consideration of our nation and of this age, but that of all times? Is it because

Traffic in Intoxicating Liquors.

it has behind it those characteristics of right that surround every art and science? If it is that, it certainly does not deserve the discussion it has received at our hands. Or is it that there is about it some inherent law of evil that makes it so tenacious of life?

Taking the proposition as a whole, it must be right or wrong. There can be no neutral ground. Of course there may be many good features to it, and I am not so blind that I can't see some things that have been said on both sides. The gentleman from Erie [Mr. KING] said in his address in advocacy of Proposal No. 4 that it did bring comfort and happiness to certain communities. I can see that. I believe it is an agency of material prosperity and of some consequent happiness to the people of Erie county. I believe it has brought wealth to the big brewers of this country, but when we consider whether it is right or wrong we simply have to consider it as a whole. I shall not speak especially of the immoral or the spiritual aspects of the case, because I confess when it comes to that I am not as able as some others, but from the standpoint of the political economist. It is questions of this kind with which we deal mostly in conventions like this — if I understand of what political economy treats — it is of the resources of a nation and their development and preservation. From Adam Smith down it has been admitted that the two most potent elements of political economy are our natural resources and the conservation thereof and the effectiveness and efficiency of labor, because it is a fact equally patent that all material wealth is simply a combination of natural resources and labor.

We talk so much about the conservation of natural resources (and I shall say nothing at all that would belittle the efforts of those men who are working along those lines), but more important than that is the efficiency of the labor of the country, and I shall go briefly into that aspect of the question.

When the assertion is made that we spend \$1,750,000,000 for liquor every year, were it not for the report of the United States internal revenue department on which this calculation is based I would almost exclaim with the gentleman from Warren [Mr. EARNHART] that while figures don't lie, liars do figure. I make this statement on the authority of John Mitchell (and I agree with my brother labor delegates that there is no higher authority) that of this immense bill labor pays \$400,000,000, and I know that of that \$400,000,000 there is certainly a very large amount not used as a beverage but as intoxicants pure and simple. In this connection I remember the statement made a few years ago by the president of one of the large steel plants of Birmingham, Alabama, that prior to 1908, when Alabama adopted her prohibitory laws, the number of men that came back Mondays after paydays, or rather the men who failed to come back, was only about one-third of the previous number, and that the number who failed to come back until the end of the week was four times as great before prohibition as afterwards.

I was talking the other day to a man in one of the factories of the Gem City, and he told me that was their experience and the experience of every manufacturer in this country where they do not exclude men on account of drinking habits. All over the country where I come in contact with manufacturers and ask them specifically on

this point I find their reply is the same. A few years ago in a business connection, we were continually receiving some goods from the city of Chicago that were defective. We went there to make an investigation and were taken to a large mill at Waukegon where we traced the whole matter down and found out exactly the cause. We found that one carload was charged to an intoxicated operator on a Monday morning. We found that the whole thing revolved about that one thing — intoxication of employes — and the superintendent told me they had a shake-up there and had discharged two hundred and ninety-four men on that account and that eighty per cent. of the mistakes made had been on account of intoxication.

But there is no use of pursuing that line farther. Glaring as are the evils of the liquor traffic, it is with us today, and if you were to submit a prohibitory clause to the people of Ohio I doubt whether I should vote for it. I think I should vote against it on account of expediency, not because I think the traffic is right, but for the reason that if you try to enforce prohibition in the large cities against public sentiment it will be a failure. Now here is how I think the matter should be settled and here are three things that we demand in our county:

1. That the communities themselves are to determine whether they want licensed or regulated saloons or no saloons.

2. We would give those communities where the public sentiment favors the saloon the opportunity to have saloons, but allow them to have only regulated saloons, because a saloon, no matter whether licensed or not, divorced from regulation and limitation, is a farce.

3. Then we consider that there is another very serious phase of this question, and that is the taking of this liquor matter as far as possible out of the domain and sphere of future general assemblies. The liquor men in our part of the state have made the cry that you must get this thing out of politics as much as possible, and we ought to endeavor to help them in that line. It will be a great saving to the state. I have seen the efficiency of a general assembly destroyed for days and days over this very question, and the citizens, including the liquor men I have above referred to, demand that this matter be taken out of politics as much as can be.

Now, as the journal says, this speech is for home consumption. I know it is about all the people of Preble county can stand, and —

Mr. DWYER: I think we have had so much discussion on this subject that I move the debates close at four o'clock and we proceed to vote.

The PRESIDENT: The member is out of order. Does the gentleman from Preble [Mr. EBY] yield.

Mr. EBY: No; I'll finish in a few minutes. I think at least fifty per cent. of the people of my county and the people of the other rural counties in southwestern Ohio realize this fact, that the mission of this Convention is not to find a complete solution of this liquor matter, but to do all that is in its power to take the matter out of politics. At least that was what all my so-called wet friends advocated in the last campaign.

To authorize the general assembly merely to license saloons, or to make it mandatory upon that body to license, seems to me like leaving the most troublesome question to the general assembly. I cannot understand the pro-

Traffic in Intoxicating Liquors — Registration of Lobbyists.

cess of reasoning of my friends who are objecting to leaving the question of license to the general assembly, but so strongly advocate leaving the question of limitation and control entirely to the legislature. I shall support the limitation feature of the minority report. I shall support it because the best argument that has been given to me for doing so was from my wet friends of last fall. They told me that the great object of the liquor interest of the state was to make the business more respectable, and that its life depended upon its future respectability. One of the members of this Convention from a large city has told me that their most pressing problem is the problem, not of the saloon in the central and respectable part of the town, but the saloon in the so-called slums. The other day I received a letter from a man on the wet side in an adjoining county in which he said in that large city he could take his wife past the large saloons in the central part of town with as much decency as he could pass any mercantile establishment in the city, but as his business sometimes took him outside to the outskirts to collect rent, and as he often combined business with recreation, he would go out with his wife in his automobile and he said it was a fact those saloons were so poorly regulated he could not pass them without insult, adding that there are so many saloons in the outskirts that they have to violate the law to make a living.

So for these reasons, I think I shall represent the convictions of my county in voting for the minority report.

Mr. Bowdle, of Hamilton, was here recognized.

Mr. DOTY: Will the gentleman yield while I move for a recess?

Mr. BOWDLE: Yes.

Mr. DOTY: I move that we recess until 1:30 o'clock. The motion was carried.

AFTERNOON SESSION.

The Convention met pursuant to recess, the president in the chair.

Mr. BROWN, of Highland: I rise to a question of personal privilege. A gentleman, an officer of the state, in the interest of some organization of grocery dealers in this city was on the floor yesterday evening lobbying against a measure which was designed to relieve the consumers of household products of the state. He made an onslaught on a matter which I have introduced which was inexcusable. I demand that the rules be applied and that he register as a lobbyist and put down by whom he is employed, or in what interest, or else be kept off the floor. I move that the rules of the house be applied to the state dairy and food commissioner.

Mr. DOTY: Will the gentleman from Hamilton [Mr. BOWDLE] yield to a motion regulating debate and calling for a time for a vote?

Mr. BOWDLE: Yes; anything that regulates anything I will yield to.

The PRESIDENT: There is a motion before the house. Does the member from Highland insist upon that motion?

Mr. DOTY: It does not take a motion to enforce the rules and the motion is out of order because there is a motion pending before the house.

The PRESIDENT: The motion was that the state dairy and food commissioner be required to register as a lobbyist or be excluded from the Convention hall.

Mr. BROWN, of Highland: I feel that an officer of the state, occupying the position he does, who would come publicly in the interest of organized dealers against consumers — there is no telling what might be done if he were approached privately by the organization.

Mr. DOTY: There is a motion before the house, and while the gentleman can rise to a question of privilege, he can not make a motion.

The PRESIDENT: The point of order is made that a motion is before the house and this motion can be made at some other time.

Mr. DOTY: Now does the gentleman from Hamilton yield to me to make a motion relative to this debate?

Mr. BOWDLE: Yes.

Mr. DOTY: I now move —

Mr. PECK: Then the point of order you just made applies to your own motion.

Mr. DOTY: This applies to the business before us.

Mr. PECK: Mr. Brown has a right to be heard.

Mr. DOTY: I don't object to him being heard.

Mr. PECK: Then sit down.

Mr. DOTY: No; I won't sit down.

Mr. BROWN, of Highland: I think this matter should be settled now, but I am willing to postpone it.

Mr. DOTY: Well, let us vote on it now. I am willing.

The PRESIDENT: Does the member from Highland withdraw the motion?

Mr. BROWN, of Highland: No, sir.

The PRESIDENT: Then the question is upon the requiring of the officer referred to to register as a lobbyist or to be excluded from the Convention hall.

Mr. HURSH: Lest this Convention gets a wrong impression I want to make a statement. The state dairy and food inspector, Mr. Strode, was here last evening. I don't know whether he was in the interest of the grocery dealers or not, but he maintains that this proposition of Dr. Brown's will in effect nullify all of our pure food laws at the present time, and if the Convention sees fit to require Mr. Strode or any one else to register as a lobbyist that is all right, but I would advise the Convention and would want them to understand that Mr. Strode was not here lobbying for any certain set of people.

The PRESIDENT: The motion is a privileged one and it is not open to debate.

Mr. MILLER, of Crawford: Can I not make a statement?

Mr. WINN: This cannot be a privileged motion. A delegate may have the privilege of making some personal statement, but there is no such a thing as a privileged motion.

The PRESIDENT: The president rules that the matter brought up by the delegate from Highland [Mr. BROWN] is by unanimous consent before the house.

Mr. WALKER: I would like to rise to a question of privilege. I want to know something more. Mr. Brown's statement is very vague and indefinite, and I think the matter should be explained to the Convention.

Mr. FESS: A privileged motion cannot be debated and if this motion is not a privileged one it has no place

Registration of Lobbyists — Traffic in Intoxicating Liquors.

here. I wish the member from Highland [Mr. BROWN] would agree to pass it over as we cannot debate it now.

Mr. BROWN, of Highland: I am willing to pass it over, but it was a proposal in the interest of the consumers of this state, a thing which those who know say will reduce the expenses of the things we eat more than anything else that has been done since our discussions began. There were present the organized dealers of this city working against the motion, and Mr. Strode was working for them.

Mr. MILLER, of Crawford: I make a point of order. The president has ruled that this is not debatable and the gentleman from Highland [Mr. BROWN] is debating it.

Mr. BROWN, of Highland: I want to state why the commissioner was here.

Mr. MILLER, of Crawford: I move to lay the motion on the table.

The motion was carried.

Mr. DOTY: I asked the gentleman from Hamilton [Mr. BOWDLE] to yield because I desire to make the following motion: It is rather lengthy and I will read it:

I move that the vote upon engrossment of Proposal No. 151 — Mr. Anderson, and pending amendments be taken at 11 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.

Of course I quite well realize that it is difficult to understand the purport of the details and I shall be glad to answer any question. That will be the easiest way to illustrate what the program amounts to. What I am attempting to do is, first, to limit the debate from now on until we take the vote on the engrossment to a reasonable period of time for each member; second, to fix a time for a vote on engrossment and the pending amendments; third, not to allow any other amendment to this question until we have decided the question of engrossment, and next, to fix a place upon the calendar for the whole proposition, if we decide to engross, so that we may start in Monday night and come to a vote on the second reading, at which time there will be no opportunity for amendment. That time is fixed for 2:30 p. m. of Tuesday. I think I have explained the matter fully.

DELEGATES: You have the same time fixed there that we have fixed for Governor Johnson.

Mr. DOTY: I will change the motion then to read 10:30 instead of 11.

The motion was changed accordingly.

Mr. PETTIT: Doesn't that encroach on the members?

Mr. DOTY: No, sir; I see no encroachment.

Mr. PETTIT: Doesn't it encroach on everybody else who wants to speak?

Mr. DOTY: Yes; it encroaches on everybody's time, including my own.

Mr. PETTIT: Why should that be done?

Mr. DOTY: I don't say that it ought or ought not. I am simply putting up a program for your consideration. If it meets with your approbation, vote for it; if it doesn't, vote it down.

Mr. PETTIT: No man can make much of a speech in fifteen minutes and you are simply trying to shut off debate.

Mr. THOMAS: Does the motion preclude offering amendments?

Mr. DOTY: Up to the time of engrossment, but not on second reading.

Mr. THOMAS: I move to amend by striking that out. There are other members who have amendments. None of the propositions is satisfactory to me.

Mr. DOTY: We have three amendments now and that is as many as we can have. It is a matter of simplifying procedure and coming to a vote. Then we can move ahead and come to a time when we can amend the bill when we decide whether we shall engross it or not.

Mr. ROEHM: There is a provision there for tabling any one of the amendments.

Mr. DOTY: Yes.

Mr. ROEHM: Suppose one of the amendments is tabled, could another amendment be offered?

Mr. DOTY: Not under this rule if adopted. It could not be offered on the question of engrossment. It could on the second reading.

Mr. ROEHM: Supposing the next amendment were tabled that would leave the original proposition before the Convention at that time.

Mr. DOTY: Yes.

Mr. ROEHM: Then it would be a question of engrossment.

Mr. DOTY: No; the vote would then be on the substitute of the King proposal for the Anderson No. 151; whichever of these carries then would be the question of engrossment.

Mr. ROEHM: Would not that be rather confusing to the members?

Mr. DOTY: I certainly do not want to make it confusing.

Mr. ROEHM: A great many who might oppose the King proposal might be favorable to something else.

Mr. DOTY: They will have a chance to put in amendments at the second reading.

Mr. ROEHM: I understand that, but they may not vote to engross it at all.

Mr. KING: If these amendments and substitutes, whatever they be named, are one by one rejected and voted down I understand that the majority and minority reports of the Liquor Traffic committee are still before the Convention.

Mr. LAMPSON: Certainly.

Mr. DOTY: In that event we will start all over again.

Traffic in Intoxicating Liquors.

Mr. PETTIT: I move to lay the motion of Mr. Doty on the table.

The motion was lost.

The motion of Mr. Doty was then put to a vote and carried.

Mr. BOWDLE: Mr. President and gentlemen of the Convention: It is already quite easy for me to detect that you are weary, weary of many things. Especially is it easy for me to detect that you are weary of having men introduce wet license proposals and then support them with prohibition speeches. I say I detect that weariness and something of the cause of it, and therefore I am going to be brief.

Knowing how you feel about the matter, what I had intended to say loses momentum, and therefore I beg of you to bear with me while I disarrange, as it were, my address and speak briefly but I hope pointedly. I also beg of those of you who may have questions incubating in your minds, especially those who have dry minds, that you will withhold those questions until I get through, and then I will see what I can do towards answering them.

As I see American life today, it is nine-tenths tragedy; and the tendency in American life is for our lives to become more and more tragic, rather than less so. And this is the fact although we have had free churches, free pulpits, free Bibles, free schools, free libraries, and free everything else. The tendency of American life is more and more to take on sombre hues. In this very discussion there is an element of the tragic. It is in the bitterness of the dries, so called—I say it is in the bitterness of the dries toward the wets—in their lack of charity and fairness.

One ought to be able to reasonably hope that one can pass honestly through life retaining somewhat the good opinion of his fellows, yet one finds that his views on a question like this entails a tragedy involved in the loss of their respect, in a loss of the respect of men whose good opinions one may value. One finds sooner or later that views are just as tragic in this world as acts. I feel this personally and very deeply. I recall, as I stand here, what is to me the saddest personal reminiscence of my own life. (Pardon this personal reference; I give it because it will have a tendency to retain for me the respect of my brother delegates.) I recall the fact that as a very young man, twenty-two or twenty-three years ago, I, for a brief period, when I was very much of a fanatic, and due to an external situation that I could not control, entertained prohibition views, and that my first vote in this commonwealth was cast for the then prohibition candidate for governor. I recall the fact also that shortly after that a period of considerable travel and exile was forced upon me during a season of ill health. And in that enforced exile from my home opportunity was brought to me for reflection and observation which led me to give up those views and to ally myself thereafter with the Democratic party. And I recall very keenly, as I stand here, the fact that it put me at variance with no less a person than my own mother, who was then approaching rather rapidly the end of her life. She was reared in a rigid Quaker Pennsylvania school of life. She had reached that period of life when the elasticity of view of youth was gone, and I found myself in conflicts, often extremely distressing to both

of us; and so I say to you truly as I stand here I believe that views are more tragic than acts. I speak of this lest somebody in this house today will think that I have recently changed my views. I have not. My views are now the same as twenty years ago, and have been held amidst much opposition and distress.

As I grew older, gentlemen of the Convention, personal views became more and more contemptible. I mean by that just this, that when we come to analyze most human views we find that they spring out of so many materialistic considerations. Without intending at all to be personal we find that men in territory reliably dry become dry in their politics, and we find that men in wet territory have significantly wet views. So when we come to analyze human view we find it is on a materialistic basis which renders it often very contemptible. Hence, in America today I know of nothing more contemptible than such so-called human views, because most convictions in America are on the bargain counter, and it takes very little to change them. I think when a man comes to be thirty-five or forty years old there is a period of disillusionment that sets up. I have been disillusioned on many subjects. As a young man going to Sunday school in Cincinnati I was told that the vertebrae of our nation was in the rural vote, that that was the place of residence of the vertebrae of American life. Well, since I have read the election returns from some of the rural counties I have been disillusioned as to the location of the vertebrae of American life, if we have any.

I used to think as a young man, and I was so told, that the vertebrae of our American life was in our colleges and universities, and in their product—in their “finished product”—but on getting a little older I found I was getting disillusioned. I found that the finished product of our colleges are among the very worst gangsters, and you find some college men in the penitentiary, some down on all-fours with the local rings in cities, some practicing (political) law and otherwise menacing American institutions, and I find that the great uplift movement in America, so far as there is one, is more than likely found among the common people. Again I lost sight of the vertebrae of American life. It is a little difficult to tell just where it is. One thing I am certain of, it is not to be located exactly in the Anti-Saloon League, and I believe that if it is ever found it is just as likely to be found among men who take a glass of beer occasionally, and know how to manage themselves thereafter, as it is to be found any other place.

However, like a good many of you, I am still engaged in searching for the vertebrae of American life.

I have been very much interested here in listening to the thrilling denunciation of saloons and saloon keepers, and I have been interested in listening to what you call the “finished product” of the American saloon—the drunkard. What nonsense is all that! I was over in the penitentiary the other day, in response to a generous invitation from the warden, and as I passed through I learned that there were several clergymen confined there, and yet I did not suppose for a moment that they represented the finished product of Christianity. There were several cells on which were placards indicating that the inmates came from Yale or Harvard or Princeton (none from Antioch, Dr. Fess), but I did not

Traffic in Intoxicating Liquors.

for a moment get the notion that they represented the finished product of the American university. Do you, my friends, think the drunkard is a fair representative of the finished product of the American saloon? Do you?

Mr. ANDERSON: May I ask you a question right there?

Mr. BOWDLE: No; you may wait until the close of my remarks.

I say it is an insult to the American people to make any such ridiculous claim. I say the civilization of this country, the real work of this country, is carried on by men who drink a little liquor and drink it temperately. Your sewers are put down, your electric railways are built and operated, your rivers are bridged, the locomotives that brought you here so swiftly and so safely were built by men whose sense of touch will allow them to caliper down to one three-thousandth of an inch. All of this is done by honest competent, skillful labor, who munch a few crusts at noon, and who, with the little they take, often take a pint of beer. Is not that true? And do you mean to denounce them? Where is the charity that speaks thus of the people of this country who drink liquor moderately, and who do not make hogs of themselves! By what token do you proceed to denounce the great industries because here and there a people than liquor has ever destroyed. I stand here to say that the instinct that is responsible for our existence and presence in this chamber, has destroyed more people than the liquor has ever destroyed. I stand here to say that the lunatic asylum, the penitentiary and the jails are filled with men as the result of the misuse of the instinct that is responsible for our existence. I say that there are many more there because of the misuse of that instinct than of the misuse of liquor, and so conspicuous is this that you have some societies in this world that were organized as a protest against that instinct. The Zoarites and the Shakers and the Economites and various other ites, the desire of whom is to get rid of that instinct, yet the good Lord, who (you drys say) expects you to produce a temptationless world made that instinct. I suppose that if the learned gentleman from Athens [Mr. ELSON] had had the making of Eden it would have been an Eden without apples.

One of the most curious things that characterizes life is a tendency to moral superintendency. That came from that bunch of professional ancestors of ours that came over in the Mayflower. They came over in order to get rid of majority government. They were tired of being kicked and cuffed about the old world by the temporary will of a temporary majority. So they came over here, and one of the first things they attempted to do was the very thing, or assemblage of things, which they most heartily complained of in Europe. They brought with them in that cargo as one of the select spirits, a spirit of supreme moral superintendency, superintendency of the habits and manners and even the religious beliefs of all mankind, and that spirit which dominated them has been the most contemptible spirit in American life. That spirit is the parent spirit of all the fanaticism that has torn up this country in the past century. That spirit is the occasion of all the malice and all the bitterness and all the contemptuous words that you have heard here. That is the spirit which bids man appeal to force

and borrow Caesar's club, and with that club proceed to make a temptationless world. That is the spirit which they get from the Pharisees of old, "We thank thee O God that we are not as other men nor even as these despicable wets." The worst pages of American history are the pages that have been made by that spirit. And it is a curious spirit. You see it everywhere. You see it right here perfectly. Not long ago I was down in Murfreesboro, Tennessee. I was marooned there for a few days and I spent most of the time around a cannon stove at an old hotel. There was an old and very dry fanatic there. He was very typical. (I have never yet seen a dry who would not be improved by a glass of beer and a ham sandwich.) But there he was, an old dry. He didn't remind me of any old dry here of course. The old fellow sat in a wire bound chair; he had a straggling crop of spinach on his face, and about six feet away there was a lard bucket that he was using as a cuspidor; he was chewing, as only a Southern gentleman and fanatic can chew, and between his sentences he managed to hit the bucket. But here is what he was saying, "I tell you that dancing is one of the twin signs in the Zodiac of hell" (with apologies to the gentleman from Guernsey), and he hit the bucket again. Finally, I mustered up as much courage as Dr. Stamm had a while ago, and I said to the old fanatic: "There are some people who think that tobacco hangs more heavily on the destinies of the race than dancing." "Oh," he said, "young man, there is no accounting for fanaticism." All of these drys, who know as well as I do, that tobacco hangs more heavily on the destinies of the race than liquor, have nicely fenced off areas in their minds, and they say to the reformers, "Yes, you can reform up to the fence, but you mustn't go beyond," and if you don't believe that, you offer a dry in this Convention a stogie. You would suppose that all goodness came out of dry territory. You would suppose that all great geniuses of the world had somehow or other been incubated in dry territory. Well, Adams county and Constantinople are both dry.

Mr. PETTIT: But we haven't any George B. Cox up there.

Mr. BOWDLE: I should expect that in dry territory you ought to find all geniuses of nations, but not so. I used to feel in looking over the list of nations that Germany had no right to be what she was. It is a remarkable fact that the most distinguished nation today, by no means excepting the United States, in the catalogue of nations, is a nation distinguished for its wetness and not for its dryness. If there is anybody here who wants to read some everlasting philosophy I wonder where you are going to look for it? A thousand years hence, gentlemen of the Convention, Hegel's matchless philosophy will be read. He usually had a beer mug on the table as he wrote. A thousand years from now the theological writings of Harnack will be read by the descendants of the dry gentleman from Athens [Mr. ELSON]. He wrote the most divine things and sipped some beer. Does any one in dry territory think that in his Sahara like county there will ever be incubated the equal of Goethe? No. Will dry territory, a thousand years from now, ever incubate or propagate a Schiller? Will dry territory, which is lauded as the kind of paradise that the Lord would have, ever produce a critic like Lessing? Do you drys

Traffic in Intoxicating Liquors.

ever think there will be gestated among you the equal of Emanuel Kant? What philosopher will ever be found emanating from a dry county the equal of Schlegel? Will a military genius superior to Von Moltke ever be produced in a dry territory? I wonder if a statesman the superior of Bismark will be produced in Adams county or in any other dry county? Why, his campaign from Berlin to Paris was strewn with champagne bottles gotten out of the vineyards of the French, and just before proclaiming the German empire at Versailles he drank off a bumper of Kirsch Wasser.

How does this magnificent nation of men, where the women don't even know about female suffrage, where Wayne B. Wheeler would be obliged to go to work — how does it come, you bitter drys, that that nation produced such philosophers, such theologians, such literary men, such literary critics, such military geniuses and such statesmen! They had no right to appear there. How did it happen that the reformation movement — and I say this for the benefit of you who are Protestants — how does it happen that the reformation movement took its rise in a wet country, and how does it happen that the movement never lost momentum in that country, a country where men now and then, and quite often, sit down and quietly take a glass of beer, men who never have thought of asking Caesar for the temporary loan of his club in order that they may force down upon other men, who don't agree with them, their views? Those geniuses simply had no right to appear there. They ought to have appeared in dry territory, and I do not wonder that when you drys contemplate that magnificent nation you become tremendously irritated. The only thing you can say is to tell us what you are going to produce. I have just a moment to call your attention to that nation that is growing rapidly, which is already menacing England commercially and diplomatically, and even menacing America in many ways commercially. As I look, my friends, at the pages of history I come to the conclusion that the theater of this world has been deluged with blood time out of mind because of fake government vs. real government, and that leads me to spend just a moment upon the subject of law itself.

James C. Carter, of the New York bar, has taken occasion to point out that the function of law — of written law — is very much more circumscribed than is popularly supposed. Men have a way of thinking they can go to the legislature and write down a law and instant it becomes a law, but it does not. Mr. Carter points out that law is nothing more or less than custom. Let us see: Take the fugitive slave law. The effort was made at Washington to write into the law of the nation something like this, that when a slave escaped from slave territory and got into free territory the people in the free territory should aid in the capture and return of the slave. Why it produced such a scandal that the law was abrogated. The people wouldn't stand for it. There cannot be any law that does not meet the approval of a vast majority of the citizens. In other words, that is law in Columbus today which men in their internal lives have already assented to. You cannot come to this capitol and pass a law that will bind Columbus unless Columbus has already by its state of mind assented to that law. You in this Convention who are fathering the initiative and referendum are proceeding on that rule and you are proceeding right.

You think you have educated in the people of Ohio already a state of mind favorable to the initiative and referendum, do you not? You think you have educated a state of mind that not only demands and wants it, but will use it after it gets it. And I think you are right about that. But observe, the initiative and referendum when you get it on the statute books will be a law, not so much because it is on the statute books, as it will because it has already become a part of the permanent mind of the people of the state of Ohio, and if it has not become a part of the permanent mind of the people of the state of Ohio then the initiative and referendum will be as valueless as the fugitive slave law.

What then does law do when we write it down in the statute books? It merely registers in a formal manner what has already become the custom of the people of the state. Mark you, one of the implications of that is that a law which has force behind it is no law. It is the law which does not force that is the law, for if a law is effective because it was a prior custom then we get rid of the element of force altogether. Hence, I say, what is the great fact about the American government today? It is this, that you do not feel it. You walk around about America and never once are you conscious of the existence of the government. It is not because it is not there. It is because it is there and rightly there and scientifically there. It is a great government because you are not compelled to know that it exists, and therefore it is a government not founded on force. Gentlemen, true government is like the atmosphere, you know it only when it gets bad. What is the issue and what has always been the issue in history? The issue has been between bad government, or fake government, and real government.

What is the logic of all this? It is that the appeal of the drys to force is a ridiculous appeal. And did the government make us what we are? No; we made government what it is. Did law make us what we are? No; we made law what it is. And therefore our government is scientific, it is not based on force. Therefore, our law is largely scientific because it is not based on force, and if you and I could be transported to Russia today and walk around the Kremlin, we would be conscious at every step of the existence of the thing called government. Why? Because it would be a government that would impinge at every point against our essential soul.

Here you can walk the length and the breadth of the land and not know that there is a government. For all that is good and worthy in our government has long since become a part of the permanent mind of the people of the United States.

It is interesting in this argument to observe how the drys plume themselves on their superior morality. I shall never forget that interesting and bucolic picture drawn for us by our eloquent member from Defiance [Mr. WINN], when he told us how he approached the town of Defiance riding on a dun mule with one eye, and joined the "whisky ring" and the Democratic party and prepared to study law. (He says that he hoped before he gets through with life — and I really hope it will be a long time before he lays down the fight — he hoped to rear a monument to himself, by quitting the whisky ring and getting off the mule and joining the forces that make for righteousness.) And you would

Traffic in Intoxicating Liquors.

suppose that the monument he was making for himself would be something that would be recognized in Heaven, but what is it? Why it is just the minority report, which is as wet in every respect as the King Proposal No. 4. And when you Judge Winn, get astride a blind mule and approach St. Peter's gate and you are asked what you have ever done to entitle you to enter, and you point to the debates in the Constitutional Convention of 1912, which you will probably have under your arm, and St. Peter asks you upon what your great goodness depends, and you hand out the Winn proposal, St. Peter will say to you, "Why, do you think that will entitle you to entrance? That is wet." And you will say, "Oh, it is not as wet as Judge King's proposal." I can hear St. Peter saying to you, "If that is your only qualification, Judge, there is a full house here." No, gentlemen of the Convention, there is not anything on the dry side on which they can plume themselves. And I want them to know that at least one man of the Convention discerns that. And then my good friend from Holmes [Mr. WALKER], who made that brilliant prohibition speech, I don't know what credentials he will have other than that he is a clergyman. He will be obliged to say that although he was an out-and-out prohibitionist, yet he voted for a wet bill. I don't know whether that kind of a thing is going to be recognized higher up, but one thing is certain, it doesn't pass muster here. I wonder that those men who make prohibition speeches, don't see the inconsistency of it. To me it is an astonishing situation, this whole liquor situation. Gentlemen of the Convention, as Swedenborg once said, if the world was to be reformed by force, it would have been reformed long ago, unless we suppose that God is short on force.

Humanity has proceeded not by leaps and bounds anywhere. We have just staggered along. It is an awful pessimistic thing to look at the pages of history and see how humanity, with all its accumulated intelligence, has just staggered and staggered, and has never gone directly anywhere. If there is any man who knows how to bring about the millennium, by law, I will be the first one to aid him.

Humanity is not to be reformed from without; humanity is to be reformed from within.

Christianity as a world movement has lost immensely its force by its appeal to that thing which its Divine Founder never appealed to—force. He wandered up and down Israel a friend of publicans and sinners, and yet throughout His entire earthly ministry, He never formed an Anti-Saloon League, and never hung around Caesar's judgment hall asking for anything. I say that the genius of the Christian movement was at its inception charity and love. The genius of the so-called Christian movement of this age is force and the military.

And thus it is you have reached the point in your civilization, after nineteen centuries of efforts, when many thoughtful men are joining the category of philosophic pessimists. I read in the Cincinnati Enquirer the other day a selection from a recent sermon delivered in St. Paul's church in London:

Dr. William R. Inge, the dean of St. Paul's cathedral, takes a gloomy view of the present state of the world in general and of England in particular. In an address today he said that the

nineteenth century was, in many ways, the most remarkable century since the beginning of history, but now the great century was over and civilization, it seemed to him, was sitting pensively in the midst of her vast accumulations.

In all fields, he continued, except that of scientific discovery signs of exhaustion were very apparent. If we were asked to pick out three great men among our own contemporaries, to be placed in the same rank as that which the verdict of competent judges had granted to at least thirty Victorians, we would find it impossible to meet the challenge.

For the man in the street, the dean observed, the tottering of the great industrial fabric of the nineteenth century dominated all other issues. Work had been dehumanized and despiritualized and the speeding up of monotonous processes imposed an intolerable strain on the nerves of the workers. The conditions of town life had ruined the physique of the laboring classes, and a progressive degeneration of the physical, mental and moral character of the people was taking place.

The outlook was gloomy in the extreme, declared the dean. Great Britain had enjoyed certain exceptional advantages, of which the fullest use had been made, but some of these were passing away inevitably and others were being wantonly sacrificed.

In this country, at any rate, concluded the dean, the twentieth century was the spendthrift heir of the nineteenth. The workingman seemed to have resolved to make himself comfortable by taking capital—in plain terms, by looting the accumulation of Queen Victoria's reign and living on rates and taxes.

What do you think of that for a view taken by the dean of St. Paul's, nineteen centuries after Christ's time? I want to say to you, that one of the reasons for that situation in which you and I are involved, is that Christianity has lost its genius, by its appeal to common brute force. We know it has lost that, and it has lost everything in that, and how to restore its genius is the question. And there is no kind of regeneration for the people of the United States this side of a quickening of a sense of personal and individual responsibility. There is no other way. Have the most wonderful machinery, the most wonderful mechanism of government that you can advise, and yet it will not do any good unless you can quicken that constructive sense of personal responsibility, and if there is any kind of true philosophy back even of the initiative and referendum, it is that it will aid us in quickening that sense of personal responsibility. But believe me, there is nothing in the fanaticism expressed on the floor of this Convention which would drive men by force to correct their customs and their habits, and I am opposed to anything of that sort. I am a believer in license, and I am willing to cast my lot with those men who are the friends of license, who have drawn this license bill, rather than cast my lot with those men who introduce wet bills and make dry, bitter prohibition speeches in support of them. I have no confidence in the bills introduced here by the men who are the enemies.

Traffic in Intoxicating Liquors.

of the license system, who are the enemies of every man who in anywise contributes to the liquor business by his presence or otherwise. I am willing to cast my lot with the friends of license who have drawn the King proposal. But I know the liquor business is suffering from over-commercialization. Most businesses are. I know they are in most every other business in America. And the chief evil today is over-commercialization. I know that it is difficult for the drys to suppose that the liquor business wants an opportunity to clean up or do anything to improve. They think liquor people are dominated by other principles than those dominating other businesses. But one thing is certain, that this question is brought about to a considerable extent by the efforts of the liquor people to clean up the evils that have grown up by over-commercialization of their business. There is no doubt about that, and I believe this agitation will result in just that thing, and one of the best efforts that is being made today by the liquor interest in this country is represented by the King proposal, the license system, to bring it within the purview of regulatory law, and that is why I am in favor of the King proposal. I shall vote to sustain the King proposal. It was said that there are sleepers in the King proposal. Well there are no sleepers in the dry proposal. No, the sleeper there is entirely awake. Wayne B. Wheeler is the wide-awake sleeper in the dry proposal. If there are any sleepers in the King proposal, and after hearing the luminous explanation of the King proposal from the Judge himself, I believe there are not, but if there are any, the Judge proposes to cut them out and I propose to vote for the measure drafted by the thoughtful friends of license. I propose to do what I can to support it in this Convention and I trust, gentlemen, that a majority of you will do so.

Now I have said some things that may annoy some of the drys here. If so, I want you to forget them as I shall forget your denunciation of us.

Mr. MARRIOTT: While the honorable gentleman was speaking he made a statement that he was an attendant of the church and a Sunday school teacher. At that time I heard hisses coming either from this floor or from the gallery and I protest against such a thing being permitted within this chamber. There are but two things that hiss in this world, I have heard it said, and those two things are a viper and a goose, and there is no room here for either vipers or geese. I regret that such a thing should occur on the floor or in the gallery, and I hope that it will never occur again, and if it does the president should clear the gallery.

The PRESIDENT: The president will state if that thing does occur again the galleries will be cleared.

Mr. ANDERSON: On a question of privilege: So that no stain will rest upon this party, we back here know that that came from the gallery and did not come from the floor of this Convention.

Mr. MARRIOTT: I am glad the gentleman has made the statement. I did not think it could be possible that it came from the floor of the house.

Mr. FESS: Gentlemen of the Convention: I very much deplore that in the point of difference which is so very wide now and then, some people will show disapproval of something that is said. It is very unfortunate, and I agree fully with all that has been suggested that any demonstration of lack of appreciation or of distrust

of what is being said in the form in which it is presented is just as unwelcome to the people who believe in temperance as to the people who believe in liquor. There is no difference there. I can understand, however, why some people who have not control over themselves might allow an enunciation of that disapproval following an announcement that struck me as a very, very strange one. Beginning in a prohibition camp twenty years ago and ending in a saloon today at dinner is a precipitate degeneration that is astonishing, and if kept up, the situation in twenty years more will be so pitiable that the pity of everybody who knows the gentleman will be very well understood.

The idea that my friend, whom up to this hour I have loved, should undertake to protect a business under the guise of regulation, and to state in the same speech that it is due to liquor or the presence of a mug of beer that we have had a Goethe or Schiller or Hegel or any of the great German writers—the idea that it is the beer mug that is a concomitant of greatness in literature and scholarship, is too far afield for anyone to give a single moment of respectful attention to it. And there is one thing that he will be far more ashamed of than we are now of that utterance and that will be, when the record of the Convention will be read in fifty years from now, to let the people of that time read such a statement as was made from this desk in the Constitutional Convention. It is not the beer mug, it is not the presence of liquor, for if that were true, you had better be born in a saloon; you had better be reared in a saloon; you had better be fed upon the products of the saloon; you had better see the making of brain in the fiery cup. Instead of producing brains it consumes brains. I know that much was said jocularly, but a constitutional convention discussing a question based upon morals has not any business giving time to jocular exuberance—none whatever. The idea that what Germany was is due to her drink habit! I want to ask what is the meaning of the position of the greatest ruler today in Europe, namely, the German emperor? How do you explain the position he is taking against the drink habit in the last ten years? No man has made such a pronounced impression upon this thing in Europe as the present head of the German empire, and when he denounced it as being the very foundation of the coming debility of his people in the next generation, he was speaking the very quintessence of the situation as we see it. If Germany is great, and if her names are great because of the presence of the beer mug, why is it the leader of the German thought and of the German government today is using all his influence against this traffic? The unfortunates of the penitentiary are not the product of the college or the clergy. No, no. And such an analogy as that! Because we hold up a pitiable object, a man who has not will-power enough to overcome temptation and who walks the streets staggering—because we speak of him as the product of the saloon then comes this modern teacher who asks, if in the penitentiary there may be found a college graduate, would you say that that college graduate in the penitentiary is the product of the American college? Is that any logical argument? The product of the American college may be in the ministry, he may be in business, he may be in medicine, he may be in law, he may be in penitentiary, but it was not the college that put him

Traffic in Intoxicating Liquors.

especially anywhere, says my friend. Well, if it was not the college that assisted to prepare him to the field he occupies, then I ask you what was it? Did the college prepare him to take the misstep and go to the penitentiary instead of the field of achievement? If it did, nine chances out of ten the incident that caused him to take the misstep was not the college except as influenced by the evil agencies that surround the American college in the open saloon today. There is the source of it.

I did not intend to speak along this line, but I had too much love for my friend from Cincinnati [Mr. BOWDLE]. I love him with all his faults —

Mr. BOWDLE: It is mutual.

Mr. FESS: I thank you. I didn't want him to think that when we discussed a principle we can not separate the principle from the personality. Here is my good friend, Judge King — no, he is not here. There is no one who could produce in my judgment a stronger argument than he produced in the explanation of this bill (hard to understand); but I would not charge him — not for a moment — with trying to cover up anything there. I think there are things in it that ought to come out of it. Different attorneys say there are sleepers in it, but I don't charge my friend Judge King with putting them there intentionally. I could see how a business might try to get them there, but I don't charge Judge King with it. I can argue against the principle of license and still have nothing personal with my friend. And I can argue against the principle announced by my friend from Allen [Mr. HALFHILL], a college friend of mine for whom I have always had the highest respect, and still I can take issue with him upon the statement that we can not now limit or regulate under the present law the saloon business. I can take issue with him also upon his being in favor of a license mandatory, for I am opposed to it. I can differ from him upon the principle and still have the highest regard for him, as I do. It is not that, my friends, it is the principle we are discussing here, and it is not personality at all. I want that understood.

Now, gentlemen of the Convention, I want to clarify in the few minutes I have, the arguments that have been attempted to be made upon the other side. It is not really of any use for me to enter upon any of the arguments that have been so well made upon the side that I represent. It is hardly of any use for me to attack the arguments offered on the other side. It is hardly any use for me to do that at this stage, because the ground has been so thoroughly covered and because I have not the time. But as I see it, here we have two angles of license suggested in this Convention. There are two viewpoints. One is the regulation of the traffic and the other is protection of the industry or business. The proponents of license are divided upon that. In the early stages of debate they were for regulation. A good many have spoken upon regulation. My friend from Allen spoke upon regulation. Now, gentlemen of the Convention, I do not believe that a license system of a mandatory order is a good method of regulation.

You ask why? Because it is not in Pennsylvania. It is not in Illinois. I lived for five years in Chicago, and I lived in a ward that was not so badly ridden with this business. Then I went over into another ward where there were more saloons to the number of population than in any other ward in all the world, and we worked

against it and you would be surprised to see the lines which that fight took. It was the saloon keepers fighting the brewers and fighting between themselves, and the result was that there was a regulation, but it was not effective, and, therefore, I don't like a license because I do not think it is effective as a regulation principle. I was over in Pennsylvania on Friday of this week. I put up at the Imperial Hotel. It is not much of a hotel. It is a liquor house, and when I went to see the judge who has charge of the giving out of licenses I asked him about the proposition and he said, "Yes, license as Pennsylvania has it is perhaps the best of any state in the Union, but," he added, "license in Pennsylvania is not effective as a method of regulation." And then he added, "I am on the charity board and there are six hundred thousand people in Pennsylvania who are on the rolls of the charitable institutions of this state." Then I said, "Is there any way for you to tell the source?" And he said, "Ninety per cent are from two causes — one is liquor and the other poverty, and I do not know where to draw the line between the two." And he is the judge in that particular place. Then I asked him, "How could you limit the number of saloons and how could you secure character in the liquor business? How can you make effective regulation with the license?" He said, "It is in the court, and if the court has the ability to overcome the forces that are organized against him, if he refuses to recognize them, if he is strong enough, it can be made effective, but if the liquor interests where the license is granted are too powerful, and the judge is not willing to stand out against them, it can not be effective." That certainly is true. You can not effectively license them and regulate them if you put them in the hands of somebody who will be influenced by the most powerful organization that I know of anywhere.

The time of the delegate from Greene [Mr. FESS] here expired and on motion of Mr. Elson, duly seconded and unanimously carried, his time was extended.

Mr. FESS: I love you all more than ever now. I assure you, my friends, that I shall not be so unkind as to take any advantage of you. There was another thing I was wanting to say and I am glad that you allowed me to do it, because in my haste and in my great earnestness upon an issue based upon morals, where we can not all agree as to methods sometimes, something might be said that would seem unkind and I feel like my friend from Cincinnati [Mr. BOWDLE], I don't want anybody to feel hurt at what we say, although, speaking of a thing we do not believe in makes you say something you might not otherwise say.

I do not think license is an effective method of regulation; that is the reason I refused to sign the majority report and it is also the reason I would not have signed the minority report if it were not that we did not seem able to report anything else that we could really unite upon. I want that understood by every delegate on this floor. The Winn proposition is an attempt at regulation and the other proposition is protection of the industry.

Now I do not want to take a minute longer on the question of the regulation of the liquor traffic, but just a minute on the protection of the business. I think that this Convention owes a vote of thanks to the author of King Proposal No. 4, because of his absolute frankness

Traffic in Intoxicating Liquors.

in the way he put it. If you noticed, the member from Erie [Mr. KING] has not urged that the King proposal is for regulation. I can quote from his speech. In the first place he said this: "We are not to fasten license on the people. It is not for the Convention to do." All I ask you to do is to leave it to the vote of the people to decide whether they want license or not. Now, the main feature of the principle of referendum is to leave things to the vote of the people, and I ask that this be added. I believe you will agree with it and I am going to ask that in the name of the member from Allen. I do not believe in license. A great many of us don't believe in license. You are asking us to submit to a vote of the people the privilege of licensing the traffic. Therefore, you are asking us to give something that we ourselves would not want. Now, if we agree to do that, would it not be right that you also should agree to concede something to us who differ from you? If you ask more than we want to give and don't offer to give anything that we want it seems to me that that is not fair, but if we concede to let the people vote upon the question of mandatory license then won't you concede to let the people vote upon the total prohibition in the state? I don't mean now that I want to specially vote upon that myself, but I do know that there are any number of people in the state of Ohio who would like to have that, and if you ask us to concede something and give us nothing you are not fair. If you want us to give you something, why not give us something and call it an even draw? That is the first point on the question of protection. Secondly, Judge King says he wants it mandatory, and Judge King made it very emphatic. He said a hundred and seven clauses in our constitution began with "shall" and thirty-seven "shall not", so there are a hundred and forty-four that were mandatory and only eight that are not mandatory. Then he says why not make this mandatory? Now, gentlemen of the Convention, I want you to note this: The mandatory clauses found in the constitution are not clauses giving rights without which clauses the rights would not exist. It is protection to right, positively, but this clause which is giving recognition to a thing which would not have recognition unless it is recognized by this particular license, does not fall in the same rank as the other hundred and forty-four. Please note one is simply to specify a right and the other is to create a right which without the clause would not exist. That is negative, and must be in a different category. If you are going to say that liquor, which is regarded as somewhat of an incubus by the supreme court of the nation and a good many other courts—if you want to make that legal and give it a legal sanction, I say don't make it mandatory; why not make it permissive? Judge King said we don't propose to be cheated. We don't propose to allow any legislature after the constitution has given the privilege to deny it, and he was honest in that and I honor him for it; but here is the difference: That is protection of the business; that is not regulation of the business, and I want that made clear. It was protection in this Convention also from this standpoint. The Liquor committee favored it as an industry that should be protected. Not only that, but it has reported it here as an industry that ought to be protected. The men who have spoken on that point have argued it from the standpoint of protection, and no

man has argued so powerfully as the brilliant member from Erie [Mr. KING]. The argument is that it is an industry, and a valuable industry, and ought to be protected by the law of the land. We are face to face with this proposition, which is the crux of the whole thing: Do we, as a body of men, framing the organic law for the next fifty years, want to go in the business of protecting this particular business? What other business is asking for it? Do we, instead of minimizing the evils, want to put ourselves on record as giving sanction in this organic law to the protection of the business from which we know many evils flow? That is the point I want to raise and that is the issue that is here, and nobody has made it more clear than the author of the bill. And so, my fellow members of this Convention, I shall cast my vote and shall along with the vote give my efforts against protecting this particular business in the organic law. I do not want to do that; I think it is wrong to do it. No other business is asking for it; no other business ought to ask for it, and yet it has been asked for on this floor. It is wrong. If you are willing in some way or other to regard it as an evil, then let us reduce it to a minimum and not stand for protecting the industry by organic law. I will join you in minimizing its evils but I can not join you on the basis of regarding it as an industry which should be protected. The public conscience is against it. I do not want to turn the clock backward. Pass the King proposal and it is a backward step. I know on this point my friend from Lima [Mr. HALFHILL] will differ from me. Many others also will. You have quoted what we have done in the last sixty years—you have quoted it as a failure. I do not believe the solution of the liquor question is reached in any state as yet, but here is where I differ from you and I differ from my friend with whom I may vote, when it comes to the point of the alternative. I differ on the ground that when you say that the liquor question in 1912 is not as near a solution as it was in 1851. We are nearer a solution. You say we have more liquor sold; so we have more people to drink it; we have more people buying it; we have more people investing in it. But do you say there is more drunkenness in 1912 than there was in 1851? If you do then I am going to challenge you on your statements. I live in a county that is dry. It is not dry in the sense that my friend [Mr. BOWDLE] was referring to. It is dry in the sense that every place where the business is conducted, is in hiding or else in some other county. I want to say that there is not as much drinking in the hidden places of Xenia as there was in the open saloons of Xenia. If you say that, you are making a statement that is not true, and when you say that the product of the saloon is as often seen on the streets of Xenia in the dry regime as it was in the wet regime, I say that is not true; and when you say there is as much evidence of drunkenness on the streets of Springfield as there was under the open saloon, I say you don't speak from the standpoint of truth, for that is not true. I am in that city every week, and while there is doubtless drinking there is not as much drunkenness as there has been, and when you take the position that we need this license legislation because we are worse off than we have been you are taking a position not carried out by the real facts.

Mr. DWYER: There was a vote taken in twenty-

Traffic in Intoxicating Liquors.

five counties of this state in the last six months, and eighteen counties went wet and seven went dry. The eighteen counties expressed their sentiments. Would you interfere with that sentiment?

Mr. FESS: There are sixty-six counties that went dry. What do you want to infer from that?

Mr. DWYER: There are twenty-five that have taken a vote within the last six months and eighteen went wet. How about the sentiment there?

Mr. FESS: Do you say would I interfere with that sentiment?

Mr. DWYER: Would you prohibit those people from having their way?

Mr. FESS: I would not interfere with that sentiment if I did not think that that sentiment was manufactured by the sinews of the brewers.

Mr. DWYER: Can't you assume they have the intelligence of others? Don't you assume they have the intelligence that we have?

Mr. FESS: We must not get into a personal colloquy like that.

Mr. DWYER: I won't get into any politics. I won't ask anything of that kind again. I want to be fair. They have been fair. But the internal revenue reports show that notwithstanding the number of prohibitionists in the state we have at the present time and the number of prohibition counties we have and the number of prohibition municipalities, more beer and more whisky were sold last year in the United States than ever before was made. Now how do you account for that?

Mr. FESS: I have no idea. I have not seen any evidence of a greater amount of men being drunk on it.

Mr. DWYER: Well, take the internal revenue reports —

Mr. FESS: The internal revenue reports show a great many things in liquor territory that I did not know existed until they came out.

Mr. ELSON: In our county we had an election about two months ago and I know there was a great deal of money poured in there to help the wet side.

Mr. FESS: Gentlemen of the Convention: I have consumed enough time. I did not come before you to save the country or to put myself on record for home consumption, nor to indulge in any acrimony against anyone. I am here for one thing. I believe a large portion of this state has made up its mind against license. I believe a large portion of the state has made up its mind for license. I believe that there is an intermediate body that would like to go one way or the other if they were convinced which is the better way. I think there are open minds here and I would like to reach that open mind if I can. There is just one thing I would like to carry back with me to Greene county when this thing closes, and that is the feeling that I have done the best I could to get the Convention to do what I thought was the best thing for the people of the state of Ohio.

As I see this thing in the nutshell, it is a struggle between right and wrong. You will remember what Abraham Lincoln said on the 17th of June, 1858, in the city of Springfield: "A house divided against itself can not stand. I do not believe that this government can permanently endure half slave and half free. I do not believe that the government will be dissolved, but I do believe that it will cease to be divided. It will either become all

the one thing, slavery throughout the North as well as the South, or else it will be placed where the public will rest in the belief that this question is in the course of ultimate extinction." Now, my friends, we can not be half sober and half drunk in America nor in Ohio. We are now to the point where the crisis is reached and it is going to be the choosing in my judgment of the lesser evils along the line of intemperance.

Mr. RILEY: I rise to a point of order. The gentleman has already exceeded his time.

The PRESIDENT: The gentleman's time expired and on motion he was given unlimited time.

Mr. FESS: I love you all still more, including my friend, Mr. Riley.

In 1858, in the city of Bloomington, Illinois, Stephen A. Douglas raised this question in referring to Lincoln's position: "Is there any man in this house who believes that anyone living will ever see the time when that prophecy comes true?" Now on this floor I hear men, honest in their expression, saying there is no man here who will see the solution of the rum habit. I hear them saying that everywhere. The gentleman from Erie [Mr. KING] said "From the beginning we have had the struggle and we shall continue to have it." Our friend from Allen [Mr. HALFHILL] believes that. Let me in my concluding words say to you that the struggle against the indulgence of appetite is going steadily along. It is going to be assisted by regulation, by law, and whether it be forced or otherwise, we are coming every day a little closer to a solution of that struggle. I want, if possible, to solve the problem right. How is that to be done? You can not do it by protecting the industry? You can not do it by duplicity in drawing the bill. You can not do it by legally sanctioning it to do as it likes. You must do the same with it as you would deal with any other evil. Regard it as an evil. Bring it up tenderly if you will, but forcibly if you must. That is the only way we have to treat this business.

On the 27th of February, 1860, the greatest American stood in Cooper Union, in the city of New York, and looked over that vast audience. It was his introduction to New York city and this is what he said: "If slavery is right then all laws made against it are wrong. Every constitution that refuses its recognition ought to be changed. If slavery is wrong then we can legislate against it and we ought to do it. If slavery is right we can afford to leave it where it is. If slavery is wrong we can not allow it to extend further into new territories." Now mark these wonderful words: "Thinking slavery is wrong as we do, and our friends thinking it right as they do, is the precise point upon which turns our difference here. But thinking it wrong as we do, can we surrender?" That is the issue before this Convention today. My friends think that the industry is right. If they think so, then we can not blame them for wanting it nationalized and extended over every state and county. We think it is wrong. Then how dare you blame us for wanting to prevent it in every county? So thinking it right as they do, and thinking it wrong as we do, is the point upon which turns our difference in this Convention today, and thinking it wrong as I do, how will I reckon with myself if I vote to give it legal sanction by voting for the King proposal? No, I never will and I shall fight it to the finish.

Mr. HARTER, of Stark: Mr. President: The de-

Traffic in Intoxicating Liquors.

bate on the liquor question has already assumed great length. Probably nothing that I can say will shed any light on the subject under discussion, but I have earnestly considered for years the matter of how to control the liquor traffic. I therefore desire the privilege of addressing the Convention on this subject. That my position may be well known to the Convention, I will read the following interview given before the election.

So far, as the campaign for the election of delegates is concerned, I believe I have the advantage of some members, since I have the printed declarations I made before the election in an interview with the Massillon Independent of November 4, 1911. What I then said shows that I entertained at that time, as I do now, reasonable views on the question. I will therefore quote what I said in reply to an interrogation which ran thus:

"Will you vote for the submission of the proposed clause to license the sale of liquor?"

"Yes; because under the present constitution the legislature cannot pass laws to effectually regulate the trade, but I do not believe there should be anything in the constitution to prevent the people through their representatives in the legislature from passing laws on the liquor question, from time to time, as they deem wisest and best. I am in favor of referring this proposition to the people, as indicated, for the reason that it is fair that all shades of convictions and opinions should have an opportunity to express their wishes at the polls, for the guidance of the legislature."

As a matter of fact, no particular form of license was submitted to me to express an opinion upon. It is not my custom, nor is it my inclination, to make speeches. I believe I have been one of the quiet members, and I assure my associates that were it not for the fact that I belong to the great body of conservatives, who number hundreds of thousands in the state, for whom, though self-appointed, I assume to speak, I would remain silent. This class of people is made up of laborers, mechanics, farmers, business men and people of all walks of life. No matter who is in power these people object to interferences with personal privileges. They are quiet and law abiding. They rejoice over the prevalence of good morals and sobriety. Had any one spoken for the many that I refer to I would not attempt to say one word on any liquor proposal, substitute, or amendment. These citizens despise drunkenness; some of them use liquors, some do not. None is a drunkard. They recognize that liquors in themselves are not an evil, and that commerce in these commodities will probably go on in some manner until the end of time. As a business, they see in it dangers and evils of many kinds, and believe that the trade should be harnessed and driven by law, for they feel it harmful and dangerous in bad hands.

Still they are optimistic enough to believe that if restraints, restrictions and regulations are placed about it the best, if not ideal, conditions can obtain. Speaking of these people, I am free to say, that no scheme or plan that seems just to them has been presented to the Convention. They also feel that the extreme views represented in this Convention, unless moderated, will not have any more influence or effect on the "swill-devil" than the firing of baked apples at a battleship.

The liquor traffic is not a plant of recent growth. Holy writ tells us that intoxicating liquors were used by God's favored people from the earliest times. The Norseman and Teuton were consumers of strong spirits and beer before the days of the Christian era. The taste for these articles seems ingrained in human nature. Businesses of great magnitude have grown up through the ages to supply these wants. We cannot with a magic wand expect to have them disappear at our command. Prohibition is the dream of the idealists, and history presents no example of its successful working in any nation. We must therefore find how to control the use of liquor and to sell it with the least harm.

I have no desire to minimize the evils that have arisen from intemperance or the bad systems under which liquor has been sold. If, however, we would use the same degree of common sense we display in some reformatory movements, drunkenness could be practically stopped. The liquor section we are preparing to place in the constitution may contain some statutory law, but this, in my judgment, would not hurt the document, though I am not a lawyer. No doubt my colleagues will inquire, how are you going to bring this millennium about?

I do not expect to bring about the millennium by any means, but I will be glad to tell you how I think we can reduce our troubles to a minimum. I own no patent on the process; I borrowed the right from Senator Dean, of Sandusky county. The state should have a liquor department with a superintendent and capable assistants to visit and supervise the conditions in every county, and under the state superintendent's supervision there should be separate county commissions to see that the laws are properly applied and carried into effect. These county liquor commissions have not been mentioned by Senator Dean, but to have them is simply carrying his ideas a little further to make them effective. The state and county commissions should be made up of fair-minded people and entirely free from the domination of the liquor interests. Among their duties they might act as boards of visitors, competent and able to see that the spirit of the laws should be carried into effect in their own countries.

I tell you, my friends, the liquor question has never been handled rationally and intelligently. In conversation with a broad-minded and intelligent liquor dealer I brought up this plan, and he said, "Good! that is the way, and you can say for me that I would be in favor of placing a good sensible woman on the liquor commission in each county." Now, do not tell me after this that every liquor dealer is a scoundrel, a criminal or an unsympathetic man. The people of Ohio expect us to completely divorce the wine room, the pool room and games of chance from the saloon and no longer make it a partner for the propagation of prostitution and immorality. I believe this can be done when the people of the state say that it must be done. The majority of the people are anxious to see not only restrictions of numbers, but want to set up standards of conduct for the proprietors and barkeepers.

Many saloon owners and bartenders are anxious for better standing in the communities in which they live. They feel that the business left to run riot is debasing to them, and they would be glad to have the moral uplift

Traffic in Intoxicating Liquors.

which we hear so much about from the platform. The majority of the people think that the business should bring to the state, counties and municipalities revenue and are not in favor of reducing the taxes which the business now pays. These people are not alone in this view.

The best type of men in the trade are anxious that the license fee should be at least equal to what each saloon now pays in taxes. A dealer such as I have described—who some of our prohibition friends may claim does not exist, though I can produce the man—has the breadth of character and fair-mindedness of a just judge. From personal knowledge I know there are many excellent men in the business, and many could be mustered as recruits under the banner of this reasonable gentleman.

If we are going to have any real reform in the saloon it will not come from calling hard names. It will only come when the opposite side shall say, "Come and let us reason together, let us know one another and be fair." When these people reach terms like this there will be little or no drunkenness. The dealer in intoxicants will be as respected as a law maker, because he will be a law keeper, and will say to the habitual drunkard, "water and lemonade is your drink, nothing doing here for you."

The dive must go, the wine room must go and games of chance must go. The Dean idea crystallized into law would in effect stop the lawless traffic in liquors, and Ohio might have the proud distinction of being the leader among the states in the race to secure good legislation on the subject that has caused untold contentions in the past. To accomplish this, not only earnest, but steady effort is necessary. Could prohibition be as effective and as intelligent as fair legislation? I think not. Harsh means defeat the ends they are designed for. Reason, justness and fairness are the surest guarantee of reform. This, my good friends, is the opportunity to do some good for the people of the present and future, and let us seriously ask ourselves whether we are timber strong enough to force the extremists to do something that means real reform.

We in Ohio have had an experience with the constitution of 1851. Has it been good? I think the liquor section in that venerable document was worm-eaten when placed there. The worst conditions prevail in our state in the method of selling liquor. Let us, as builders of the ship, to which we may liken the constitution, build something seaworthy and suitable for the times in which we live. Let me commend to the men of this Convention, if they are temperance men, and others like them, the work of Father Matthew, the eminent Irish priest, a thorough apostle of temperance and total abstinence, himself the son of an Irish distiller, who visited all the English speaking countries, the United States and Canada included, in the interest of temperance and total abstinence, whose work still continues in many of the Catholic churches of this country, for the reclamation of drunkards in the United States, through the pastoral relations of the priest and members of the Father Matthew's society, as the surest way to make sober men of the intemperate. His method was moral suasion. If we are to lift up the fallen we must go to them and not use the long-distance telephone.

If I mistake not, this presents a rational method of re-

forming the unfortunate victims of the drink habit. If all of the churches of the different denominations would apply this good remedy there would be genuine reform. It is not in the proclaiming of virtue from the housetops and the Pharisaical airs that some assume from far off communication, that the rescue work can be done.

The propositions of Senator Dean have made an impression upon me. I hope to see some of them in the constitution and some in the statutory law. Whatever clause is to go into this fundamental document should be so phrased that he who runs may read, and that the supreme courts of the future can have but one view of its application. So far as I am able to read no liquor laws have been entirely satisfactory in the countries adopting them—neither prohibition, local option nor license—for the reason that no large portion of our people are willing to keep up constant agitation, but if we had regulations, such as those instanced, with people paid by the state and counties, to see that abuses are reported and punished and licenses granted and revoked, we would have an effective regulation at little cost.

I would not for a moment try to make any one think that the liquor business is not dangerous, but I do contend that the traffic will go on in some way, and that we should license it as a source of revenue, with restrictions, regulations and character standards. The futility of actually suppressing it is apparent. Its manufacture during the earliest times and during the period when the wild tribes were inhabiting central and northern Europe, as far or farther back than the time of Julius Caesar, and its constant use from that day to this, is proof that we are dealing with an old and troublesome question.

My personal opinion is perhaps no better than any other individual's in this Convention, but I am convinced that what I have tried to give clear expression to is a method that should receive consideration and in which I have the utmost confidence. An accommodation of the differences between the measures before us on the liquor question should not be difficult to negotiate. Ordinary wisdom and diplomacy should reconcile the elements of discord, as they do not look insurmountable to anyone except the members who drafted them.

Here now is a chance to handle the liquor question in a way that should satisfy an overwhelming majority of the state and absolutely take the question out of politics. Again let me ask you if we are big enough to meet the responsibilities, or are we going to ditch the state by our utter pig-headedness?

We can show our wisdom by adopting a fair and thorough license section, or we can strike out the liquor section from the constitution of 1851 and leave all to the people and the legislature, but the state cannot tolerate a condition such as has surrounded the liquor traffic the past sixty-two years. Prompt consideration and action is our plain duty. I admonish those who will phrase the liquor section once more to state its provisions so clearly that the path of understanding may be so certain that "a way-faring man though a fool need not err therein."

If the Fourth Constitutional Convention fails to comprehend its great commission, delegated to it by the people, its epitaph will be written in the language of the Prophet Daniel of old "Thou art weighed in the balance and found wanting."

Mr. JONES: I can not in the brief time allowed

Traffic in Intoxicating Liquors.

me discuss more than one or two phases of this proposition, nor do I think it would be profitable to do so had I the time. We have heard a great deal of argument here upon one side of the temperance question pointing out the great evils, and upon the other side a great amount of argument giving the good features of the saloon. Now, as was suggested by my friend from Hamilton [Mr. PECK], these arguments are all very interesting and would be instructive if it were now a question of determining the policy of the state with reference to this traffic. But we all recognize that the traffic has evils, and lots of evils, and we are practically all united upon the proposition that that method should be adopted which will most effectually reduce and provide against those evils. So that we come to the proposition now of this method that is proposed by Mr. King, or the other that has been proposed in place of this by amendment. Now with this proposition as with any other proposition, if we can get right back to fundamental principles and apply them to the proposition, we can more likely reach a correct solution of the matter than in any other way.

Much has been said about the matter of personal liberty, the right of a man, if he wants to, to engage in the saloon business. I do not want to say anything further upon that question than just this: The question of personal liberty with regard to the liquor traffic has long ago been settled in this country, so that it is no longer an open question. The fourteenth amendment to the federal constitution provides that no state shall pass any law, organic or otherwise, that shall interfere with the liberties of the people. Our own constitution declares, and I assume we will carry that same declaration in the constitution we are making, that all men are invested with certain inalienable rights, rights which they can not part with nor delegate to a legislative body if they wanted to, among which are life, liberty, and the right of acquiring, possessing, and enjoying property.

Now, under these provisions, it has been argued in favor of the traffic in intoxicating liquors that interference with the right to conduct that business is an infringement upon personal liberty. Suffice it to say in reference to that proposition, which has already been said, that that provision of the federal constitution, and that provision of our state constitution, must be read as all of the courts in this country have held time and time again, in connection with another provision, implied it is true, but always held to be a part of every constitution, that the state reserves to itself the police power. So that the personal liberty of a person to engage in business, the liberty to hold and enjoy property, the right to enjoy life itself, is always subject to that great principle that you must so hold and enjoy your own property as not to interfere with the rights of others.

The experience, not only in Ohio, but the experience in the whole of this country, as well as the experience in every other civilized country, has been this with reference to certain businesses: No one would pretend for one moment that the legislature of Ohio could prohibit farming, for instance, or raising corn or wheat. No one would pretend for one moment that it could prohibit the traffic in potatoes or corn or wheat. Why

can it not? Because that is an infringement of the liberty that is guaranteed to the citizen by the federal constitution as well as the state constitution. But with reference to the liquor traffic all states and the federal government, and every other political subdivision, are of one mind, and that is that it may be prohibited. Now they say, "Why have we not as much liberty to engage in the liquor business as in farming? Because the consensus of the judgment of mankind, the crystallization of all the centuries of experience, is that it is an evil and that the right of the people, in the exercise of the police power of the state, to provide against that evil must everywhere exist. And yet we have in Ohio, what exists in no other state in this Union, as was said by Judge King, and it is a remarkable anomaly when you come to think of it, a constitutional provision denying power of license, which is the only instance in the one hundred or more years of the history of the United States where any state has undertaken in any way to interfere with the police power over the liquor traffic. What does that power include? It includes everything from restriction and regulation up to absolute prohibition. Now there is no use for us longer to make these speeches on the one side that this ought not to be so, or on the other side that it ought to be so. That is the settled law of this land, and there is no decision of any court to the contrary. The decisions that have been read here from the United States supreme court are to that effect. The decisions of every state in this country are to that effect. There is no dissent anywhere from that, so that we have passed the point of discussion of the proposition and we must now accept this as the deliberate crystallization of public opinion in the United States, upon that question, that the state legislature of every state—the people of every state speaking through the legislature—has the right in the exercise of the police power to do anything with the liquor traffic that they desire.

So I do not want to take any time on that point, nor enter upon a discussion of the proposition as to whether it is right or wrong. Suffice it for us to know that that is the settled law of this state.

Now what next follows? I come right to the consideration of this proposal. What is it that the people now have been attempting to do under the exercise of this police power with regard to the liquor traffic? What is it now that has caused all of this unrest and dissatisfaction with regard to the legislation and enforcement of laws with regard to this traffic? Why is it that this Convention was called? As I said on this floor the other day, primarily because of the great unrest and agitation of the people upon this liquor question. Now why is it? Is it because the people now, through the legislature, haven't the right under the police power to deal with that subject? If not, why not? Unless there is some impairment of that power by our constitution, it is admitted by all that the legislature and the people through the legislature can do anything with reference to it they want to. What is the impairment of the police power over this traffic in Ohio, as we have it now, and what impairment have we had?

Why, up to 1851 we had no impairment of the police power over it. Then anything could be done with it that the people desired to do. They could prohibit, reg-

Traffic in Intoxicating Liquors.

ulate or restrict or do anything else they desired. Since 1851 what impairment has there been of the police power?

Let us examine that for a moment. The only impairment of the police power over the traffic is found in the first six or eight words of the present constitutional provision with reference to it: "No license to traffic in intoxicating liquors shall hereafter be granted in this state." Now, to what extent does that impair the police power over the traffic? Does that say you can't kill it. Certainly under the police power you could kill it. All that says is that the legislature of the state shall never give it any vested right to exist. What was the object and purpose of this police power? I appeal to the forty-seven lawyers of this Convention to say to us what was the object of the creation and development, not only in Ohio, but in all the states, of this police power over this traffic. Was it to give it the right to exist? We know it was not for that purpose, but that police power was developed and grew up for the purpose of providing against the evils of that traffic, to do anything that would be necessary to provide against those evils, to stop the traffic, to kill the traffic, if the people thought that was the best way to provide against the evils.

When the constitution of 1851 said you shall not hereafter give it permission to live, it did not rob the legislature of any power to either restrict it or put it entirely out of existence. The only limitation upon the police power was one not to interfere with the handling of this problem by either prohibiting, restricting or regulating, but the only limitation upon the police power was that you shall not grant it permission to exist, because the settled conviction of the people of this country, not only of the people of Ohio, but the people of this whole country, is that with reference to that traffic, there is no inherent right to exist.

Now, as I say, I am not complaining whether that is right or wrong. I do not argue the question of whether that is right or wrong. I simply want to start with the fundamental fact that the police power was developed for that very purpose and that alone. When you have said that no license to traffic in intoxicating liquors shall be granted, as I have said, you have said nothing further than that the limitations on this police power are only for the purpose of preventing you from vesting it with the right to exist. There is no limitation upon your right to destroy or to regulate it or to restrict it in any way you see fit. That being so, what follows? There follows just what the supreme court has held, that you can do anything to this traffic under the present constitution that you want to do except give it a vested right to live.

Mr. KING: If the present clause in the constitution providing against the evils had been left out, would the legislature have had power to deal with the matter?

Mr. JONES: Yes, sir. The case is similar to the general provision of the constitution that all property, no matter who holds it, shall be taxed under a uniform rule, yet the constitution on account of peculiar conditions provided that banks should not be taxed differently from other property. Without this special provision they would have been so taxed.

The time of the delegate from Fayette here expired

and on motion of Mr. Watson his time was extended fifteen minutes.

Mr. JONES: Now I want to pass from that point to the provisions of this bill. Bear in mind what the police power is at present over that traffic, and then ask yourselves what is proposed to be done in reference to this police power by this proposal.

"License to traffic in intoxicating liquors shall hereafter be granted." Does that look like it was increasing the power of the legislature over the traffic. They have no option about the matter. They must give it a right to live. You cannot do anything else. You cannot destroy it. License to traffic shall hereafter be granted. Now what is the effect of all that? What is it you are proposing to do? You are proposing to limit the police power over the traffic, which prior to the constitution of 1851 was absolute and since 1851 has been absolute for doing everything against the traffic that anybody wanted to do, and you are proposing to reverse the whole policy of the state and say now that the police power shall not be absolute over the traffic, but that it must be granted a right to live, and all laws hereafter passed with reference to the traffic must have as an element of them the right of this traffic to live.

The effect of this is to take away from the people, acting through the legislature, the police power over the traffic to do as they want to do with it and to tie them up, to chain them down as said here, so that the only law they can pass in reference to the traffic is a law that recognizes the right of the traffic to live. Now do we want to reverse that policy that has existed so long? Do we want to put in our constitution about the liquor traffic what is not in the constitution of any other state? I don't want you to get the impression that I have any enmity against anybody in the business. I am speaking with reference to conditions as I find them and taking the police power as it now exists. I say, is there a man in this Convention who wants to do in Ohio what not another state has done or proposed to do—to wit, to reverse the whole policy of hundreds of years with reference to this traffic, which was to give the state absolute police power over it, and say that now the police power shall be limited and taken away from it and restricted to the passage of laws which must—everyone of them—recognize its right to exist and live? If you want to reverse that policy of the state, if you want to start a new policy different from what any other state has adopted or proposed for adoption, then adopt the policy of a mandatory license, and instead of providing against the evils of the traffic you will do more to entrench it and take it from under the police power than anything else you can do. Gentlemen may say that there is a proviso in this proposal that these license laws shall not apply to dry territory. I admit that so far that is a valid proviso, and that part of the provision could be enforced and would seem to restrict the territory within which the license must be granted to territory now wet. In wet territory the traffic shall be licensed and it would not apply to territory now dry. But what have you with regard to that territory which is now wet? They have two provisions in here. You first say it shall be licensed and then in the next sentence you say you can prohibit it. Does anybody fail to see that these provisions are absolutely contradictory, that they both cannot stand at

Traffic in Intoxicating Liquors.

the same time? You must license it and grant it permission to live and then in the next sentence you say you may prohibit it.

Mr. LAMPSON: Just for information I would like to have you develop that. "Shall" applies to certain territory and "may" applies to other territory.

Mr. JONES: That is what I am speaking of now. I am talking of territory that is wet when this provision goes into effect. Now what is the command with regard to that wet territory? It shall be licensed. Then what is the next provision with regard to that territory? You may pass laws to prohibit it in that territory. My proposition is that those two provisions cannot exist at the same time. To illustrate: We gather illustrations from those things we are most familiar with, and I will gather an illustration from the farm, because I am a farmer. Suppose you had a man in charge of your farm and you should say to him in giving instructions for the management of the farm, "You shall permit snakes to exist on this farm." Now I do not use this illustration in any offensive sense. "Every place on this farm where there are snakes you shall grant a permit to them to continue." Then in the same letter of instructions to him you say, "You may destroy all the snakes on the farm." Would he know what you meant for him to do? Would he understand that he was to leave the snakes there or that he might the next day go out with a club and kill every snake? Could any lawyer tell him what to do and follow out his instructions?

Now it is true, if you would write a letter one day and say he must permit all the snakes on the farm to exist and the next day write a letter and say that he might kill the snakes, he would naturally conclude that you had changed your mind and he would follow the latter letter. But if he follows the first letter he would go on conserving the snakes because you have said he must permit them to live every place where they now are. I say these are contradictory instructions. Of course, the rule is well settled that if you write two letters the last letter would be controlling, but if you sent those two instructions in one letter how would the manager determine what to do?

The courts have said this in reference to that in Ohio:

The principle underlying this rule is, that in case of conflicting provisions so repugnant that both cannot be reconciled and have effect, the latest expression of the legislative will must prevail. (State v. Bailey, 37 O. S. 103.)

And later, in 74 O. S. page 372, the supreme court said:

From this view, and upon principle, we reach the conclusion that there is no hard and fast rule which requires a court to give controlling effect to one provision of an act simply and only because it is found later than other provisions bearing upon the same subject; that the rule giving the later clause controlling effect is purely arbitrary, springing rather from the necessity of some rule in peculiar cases than upon any sound reason, and is not to be applied to defeat the manifest purpose of the lawmakers where that purpose can be gathered from the context.

Mr. LAMPSON: Will the gentlemen yield for another question, please? Referring to your illustration of the farm and the snakes, would not your instructions to the tenant be to permit the snakes to exist where and when—two elements—where and when there was water and to kill the snakes when and where there was no water?

Mr. JONES: I do not know that I catch the thought.

Mr. LAMPSON: There are two elements, territory and time. The license proposition would apply to territory where there was water and the no-license proposition to territory where and when there was no water.

Mr. JONES: I cannot see the aptness of the inquiry to this question.

Mr. LAMPSON: The point is this: Territory might be dry part of the time and it might be wet part of the time. When it was wet license could be applied, and when it was dry prohibition would apply.

Mr. JONES: Let us see. I have certain woods on my farm. There are snakes in there and I have said to the manager you must kill out the snakes around the house but you must not kill the snakes in the woods. You must permit those snakes in the woods to live but you may regulate them; do anything you want with them, but you must permit them to exist in there. Now that is a command for his future guidance. At the same time I am going to give another command for his future guidance and I say to him you may kill all the snakes in the woods.

Mr. LAMPSON: Permit them to exist only in swampy places.

Mr. JONES: True, but you don't catch my thought. When the constitution is written it is cast iron. The order is that the snakes must be permitted to exist because they are existing there, and then you have said in the same letter, in the same instructions, you may kill them at any time you want to.

Mr. LAMPSON: But when you decide to kill them, you must move them over somewhere else.

Mr. JONES: I have not yet made myself plain. How does the man decide to kill them when his instructions are that he must not kill them? Here you are conferring power upon your agent in the management of this farm; you have said he must follow out my instructions, and my instructions positively in the first place are that they must be permitted to live. Your instruction to the legislature is that this traffic must be permitted to live in all places where it now exists. Now if that is given the interpretation of ordinary language, it takes away from you the right to kill it. Now, in another section, you say you may have the right to kill it.

You give the right to prohibit it. The trouble with all that is there is an absolute contradiction in terms. Both of those things cannot be done. He cannot follow out your instructions and let them live and also follow your instructions to kill them.

Mr. HARRIS, of Hamilton: In view of the horrible example wherein it was stated that some of the members took a drink at the Hartman Hotel bar, will the gentleman please change his illustration from snakes to something else?

Mr. JONES: I did not mean it in any offensive sense. I did not use it because I was familiar with snakes or that I thought others might be.

Traffic in Intoxicating Liquors.

Mr. SHAFFER: I would suggest in view of the large number of members who wish to speak that we do not extend any time to future speakers.

Mr. ANTRIM: In the brief fifteen minutes I have at my disposal I expect to speak only on one point and that is the point made by my friend from Hamilton [Mr. BOWDLE] regarding the liquor traffic in the German empire. I made an effort after he had taken his seat to reduce his argument to a sort of syllogism and I will read you the syllogism that I wrote down on my paper.

Major premise.—Germany has produced many of the great men of earth.

Minor premise.—Germany is one of the world's great drinking nations.

Conclusion.—Therefore, Germany has produced many of the great men of earth because Germany is one of the world's great drinking nations.

That is the argument produced by the gentleman from Hamilton [Mr. BOWDLE]. I, like the gentleman from Athens, am a German, not a full-blood, but I have some German blood in my veins. My ancestors came across from the Rhine several centuries ago and no one is more proud of the fact that he has German blood in his veins than I am. Now, there has been so much said with regard to Germany and Germany's relation to the liquor traffic, and with regard to the Germans and the liquor traffic in this country, that we may with profit give fifteen minutes to the consideration of this question in order that we may more clearly understand it.

I had the pleasure some years ago of spending almost three years in Germany. I attended a German university, took a degree from the university of Göttingen, of which I am proud. And because of having been a student for three years in Germany I feel that I can speak with some degree of authority on the subject of the difference between the liquor traffic in the German empire and in this country.

In the first place, we find this difference: German beer has less alcohol than American beer. I think we will all concede that. At any rate, all who have crossed the water do. Of course, I have never chemically analyzed German and American beer, but I have heard on a great many occasions that the one great difference between the two brands is that the German beer is less strong—is lighter than the American beer. That is point number one.

Second, the Germans drink more slowly than the Americans, and that is a very vital and important point. They get together for an evening of pleasure, and in the course of an evening of two or three hours, they will not drink over two or three glasses of beer, and it is plain to see that that will not injure them to any very great extent. A great many Americans will get together and in fifteen minutes, instead of drinking two or three, they will drink five or ten glasses of beer. So that you can see the great difference so far as that point is concerned.

Then, in the third place, I maintain that the Germans drink less beer than the Americans. I make this point advisedly. I have in my pocket the most recent statistics with regard to the consumption of beer in Germany and in America. There are sixty-five million people in Germany and there are ninety million in America, but we all know that a greater percentage of people drink in Germany than in America. Notwithstanding this, the

per capita consumption in America is almost as great as in Germany. So that it is easy to see that the drinking people of Germany drink less per capita than the drinking people in this country.

Again, the Germans are more inclined to drink within their means, and that is a very important point. I would like to discuss that at some length, but I have not the time. The tendency among the Americans is to drink beyond their means, but in all my three years in Germany, I do not believe I ever saw or heard of a person who drank to any great extent beyond his means. Of course, there are such men there—there is no question about that—but my observation was that there were very, very few people in the whole empire who had a tendency to drink beyond their means, and so because of that fact there is less drunkenness and there are fewer of the evils that we have heard so much about in this debate of the last two weeks.

Again, the Germans live more slowly than we do. Nobody knows anything about life in Germany who has not been over there. As far as living is concerned, the Germans have got us beaten a mile, to use a homely expression. They take life more easily, they understand a great deal more about getting pleasure out of life, and the one thing that they do that we must learn to do, if we expect to endure and continue as a great nation, is to live more rationally and to take things more leisurely.

Finally, we all know that to be true from what we have seen in this country. The German drinks to the accompaniment of music. And when they don't sing they listen to some great band, and we all know the soothing effects of music, so that we can see that anything like food or drink would have a much less deleterious effect with such music as we hear in Germany.

Now, notwithstanding all of these facts, and they are all favorable to Germany; notwithstanding all of these facts that I have mentioned, the German nation has the liquor problem on its hands, and within recent years it has gotten to be a great problem. A few days ago Professor Elson, and Dr. Fess a few minutes ago, referred to the edict of the German emperor. Some time ago the German emperor realized the fact that Germany was drinking too much and that liquor was having a deleterious effect upon the whole nation, particularly upon the army, and he called a halt, and that edict which was read to you by Prof. Elson the other day was issued and he used strong language.

A short time ago Professor Ely, of the University of Wisconsin, one of the greatest professors of political economy in this country, came back from Germany with some important statistics and among other things he said that in certain parts of Germany consumption of beer had been reduced one hundred liters per capita. You can see what an enormous decrease that is. And this was brought about by the fact that the German emperor had sent forth that great edict and by the fact that they are doing all they can to lessen the manufacture and consumption of liquor.

In the third place, the gentleman from Cincinnati [Mr. BOWDLE] told us about some great men of Germany, that Germany was a drinking nation and that those great men had their beer—mugs of beer—standing on the table when they were writing the wonderful works to which he referred. But, gentlemen, he didn't refer to one man

Traffic in Intoxicating Liquors.

living at the present time. Germany produced many great men when she was poor, but during the past forty years she has been drinking too much, and Germany today is not producing great men compared with the men whom she produced forty or fifty or even one hundred years ago. There are not as many great men living in Germany today as lived in the little town of Weimar at the time that Goethe and Schiller lived there. So that the German empire has a drink problem on its hands, and the fact that it has this problem on its hands is making the whole people there uneasy and they are realizing the fact that because of this great problem they are going to a certain extent backward.

In the one or two minutes that I have left I would like to elaborate that, but I cannot.

Now, a word in regard to the various proposals that have been presented. I do not know yet just what proposal I shall vote for. I have not made up my mind. I have looked over the minority report and I find it very clear, and I find that it contains many excellent features and possibly I may vote for that. I won't say until the time comes for voting. I have listened to the proposal of the gentleman from Mahoning [Mr. ANDERSON], but I have not an opportunity to study that proposal because it was read hastily in our hearing. But one thing I have absolutely made up my mind to, and that is that I will not vote for the King proposal for the one great reason that if we embody that in the organic law of the state of Ohio it will lead to a saturnalia of debauchery in this state.

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

Mr. ANTRIM: Why, certainly.

Mr. BOWDLE: Don't you know that Germany is today the leading nation in the world?

Mr. ANTRIM: Not the leading, but one of the leading.

Mr. BOWDLE: Don't you know that it has outdistanced England and France commercially?

Mr. ANTRIM: I do not know that it has.

Mr. BOWDLE: Don't you know that today Germany medically stands at the head of the world?

Mr. ANTRIM: In some departments.

Mr. BOWDLE: Don't you know that in the realm of supreme theology, led by Harnack, Germany is at the head of the list.

Mr. ANTRIM: Possibly in some departments. I think we are doing something in this country ourselves.

Mr. BOWDLE: Don't you think it is quite a coincidence that all these wonderful things and men have emanated from wet territory?

Mr. ANTRIM: I say there are not as many great men emanating from that wet country now as emanated from that country when it was not so wet.

Mr. BOWDLE: Can you name an American statesman that ranks with Von Buelow, can you name an American who is the equal of Ehrlich in medicine? Can you name a theologian who at all compares with Harnack?

Mr. ANTRIM: That is only a matter of opinion.

Mr. DE FREES: The gentleman from Van Wert [Mr. ANTRIM] says that the consumption of beer has decreased one hundred liters per head and that also the statesmen have degenerated. Do you attribute the de-

generation in the statesmen to the less consumption of beer?

Mr. ANTRIM: I did not quite catch your question.

Mr. DE FREES: You say the consumption of beer decreased one hundred liters per capita?

Mr. ANTRIM: Yes.

Mr. DE FREES: And that the great men do not measure up to the former standard of greatness?

Mr. ANTRIM: No; they do not.

Mr. DE FREES: Do you attribute the degeneration in the greatness of the men to the decrease in the consumption of the beer?

Mr. ANTRIM: The decrease in the beer has only taken place in the last year or so.

Mr. HAHN: Did I understand you to say that Germany is at present degenerating?

Mr. ANTRIM: I do not think it is degenerating very rapidly, but I think it is going slightly backward because they are drinking too much liquor.

Mr. HAHN: Do you think England is degenerating or going backward because they have had since Shakespeare no poetic genius such as Shakespeare was?

Mr. ANTRIM: England has gone back in some respects.

Mr. NYE: I shall occupy your attention but a few moments. I desire to present a few suggestions and a few thoughts for your consideration before this vote is taken.

It has been said upon this floor that for forty years such laws as prohibit the sale of intoxicants to be drunk in the place where sold have not been enforced. I come from the Western Reserve, where the people are a temperate people, and laws have been enforced except possibly in a very few cities.

Again I want to say in this connection that we have had a series of decisions under the present constitution which provide against license and prevent the evils resulting from the use of liquor. For sixty years these decisions have been rendered at great cost of money and it seems to me they ought to be left and the laws ought to be left where we have records and decisions on those questions. I am in favor of leaving the constitution where it is at present if I can do so. I am opposed to licensing the traffic in intoxicating liquors and I believe that the people in the northern part of the state whom I represent are of that opinion.

Now, different proposals have been submitted here and I want to say first of all that the King proposal is a wrong proposal. Men may say they know what the King proposal means. I do not, I am frank to say. I want to read a few things in that proposal and call your attention to them in view of the fact that I do not think they ought to be written in the constitution. We ought to have a constitution so plain that not only lawyers, but farmers and business men, and every one else, can read and know what it means. I want to call your attention to the very first sentence: "License to traffic in intoxicating liquors shall hereafter be granted in this state." If that goes into the constitution I want to say to you the first case that comes up, if it is based upon a regulatory law, a person claiming a right to a license in Ohio would say it was unconstitutional to refuse it to him. If they want a clause in this constitution that the legislature may pass laws providing, or that the legislature shall pass

Traffic in Intoxicating Liquors.

laws providing, for licensing the sale of intoxicating liquors, why not say so? Why do you say the license to traffic in intoxicating liquors shall hereafter be granted? I say, and I say it with a good deal of assurance, that there could be no prohibition and no limitation under that clause, and there could not be any regulatory law made limiting the number of saloons or limiting the number of licenses. Now then, why write that into the constitution? Now, second, "and license laws shall be passed to regulate and restrict the traffic and shall be operative throughout the state." After you pass the license law, how are you going to regulate? Why not leave out the word "license" and say that laws shall be passed to regulate and restrict the traffic? Why say "license laws?" Why not allow other laws to be passed to regulate it? Now, third, "provided that where the traffic is prohibited under laws applying to counties, municipalities, townships or residence districts, the traffic shall not be licensed in such of said local subdivisions so long as the prohibition of the said traffic shall by law be operative therein." It excludes any other territory except those named in the four classes.

The next sentence I submit to you is unintelligible. It certainly is not plain. Let us read it: "Nothing herein contained shall be so construed as to repeal or modify such prohibitory laws or to prevent their future enactment, modification or repeal, or to repeal, or to prevent the repeal of any laws whatever now existing to regulate the traffic in intoxicating liquors." I know that Judge King is a very able lawyer. I know, too, that he spent nearly an hour explaining what his bill meant. I say that the bill ought to be so plain that you and I could understand it, that any lawyer could understand it, that any farmer can understand it, that any laboring man can understand it, when he reads it. Why put in the constitution something that you and I can not understand? It has been said upon this floor that lawyers are divided as to what that clause means. Why put in the constitution something that lawyers disagree about? Why not make it so plain that every lawyer and every business man can understand it? If two men come to me to draw a contract for them, I try to put it into language so that they can understand it. You are writing a constitution today for five million people. Why not write it in such shape that the five million, or those who are business men at least, can read it and understand it? Why is it necessary to shroud it in language indefinite and uncertain.

Take the next clause, and tell me what it means. Judge King took a good deal of time to explain to you what it meant. Why is it necessary to have an explanation. Why not have it so plain that we can all read and easily understand it? "Nor shall any law be valid which has the effect of defeating or negating, directly or indirectly, the regulation of the traffic by a license system herein provided for." What does that mean? The trouble is it is too indefinite and uncertain. Why make a constitution, the fundamental law of the land so ambiguous that it has to go to the courts and there be tested out at the expense of the treasury and perhaps blood and tears? I say that every man in this Convention ought to vote against the King proposal. Whether else is up here, this ought to be defeated in my judgment. Why, if you vote for that, I certainly can't vote for it. If it goes into the constitution, when I go home

to my people and they ask me what it means I shall tell them I didn't vote for it and I don't know what it means. Let us write a constitution that we can all understand ourselves, that the people can understand. Let us write a constitution that will be plain.

Last fall when I was a candidate for this office I received a little pamphlet. They were not satisfied with sending me one, but they sent me two marked on the inside, and there were some interesting and timely views on license. I am credibly informed that this was sent out in the interest of the liquor people. I find on page fifteen the summing up of the whole book, and it says this:

"Eliminate the dives."

There have been several hours spent here in this discussion trying to provide that the saloon business is an evil. Why was that time spent? The saloon men and the liquor men admitted it and why argue it? The book goes on as follows:

Confine the saloon business in wet territory to men of good character.

Strengthen all present regulatory laws.

Permit the passage of more stringent regulatory laws not possible under the present constitution.

Make possible the limiting of the number of saloons.

Give the state power to force objectionable saloon keepers out of business.

Remove the premium now placed on law evasion.

Why not then take the saloon men and liquor men at their word and write into the constitution the same limitations as to what they shall do and what they shall have? That is what they said. Then why not take them at their word, and not give them an unrestricted or unlimited license, but give them the right to vote upon restricted license if any is submitted at all?

When I came to this Constitutional Convention, I made the promise to my people that I would help to make the best constitution I could for all the people—the rich and the poor, the laboring man and the employer, for every one. I am not here today to do any injustice, even to a saloon keeper. I would do justice to him and also to the liquor man, but let us first do justice to the people of the state. Let us take the liquor men at their word, as shown in that book they sent out; and let us write into this constitution something that will hold them to their pledges and to their promises and limit the traffic in intoxicating liquors by some rule that the people will have some rights that the saloon keeper is bound to respect.

Mr. STEWART: Mr. President and Gentlemen of the Convention: The discussion on both sides of this question has been from many different standpoints and each speaker has had his own notions on the subject, and the suggestions have taken a very wide range.

We all realize the fact that this matter affects the community life of a country—every village, every township, every county, every state and even the nation.

A few years ago when our supreme court delivered itself of that opinion telling us that King Commerce was

Traffic in Intoxicating Liquors.

more powerful and more important in this country than the lives of its people, it cast a spell over the country. I believe we shall never make very rapid progress on this question until we have that court decision reversed, and I want to read a paragraph of Lincoln's from one of his speeches in the city of Chicago, July 10, 1851, when he was replying to Judge Douglas, and I want you to follow my reading to the end so that you can make an application of it to the present situation.

Said Mr. Lincoln:

I have expressed heretofore, and I now repeat my opposition, to the Dred Scott decision, but I should be allowed to state the nature of that opposition, and I ask your indulgence while I do so.

What is fairly implied by the term Judge Douglas has used "resistance to the decision?" I do not resist it. If I wanted to take Dred Scott from his master, I would be interfering with property and that terrible difficulty that Judge Douglas speaks of, of interfering with property, would arise.

But I am doing no such thing as that, but all that I am doing is refusing to obey it as a political rule.

If I were in congress and a vote should come up on a question whether slavery should be prohibited in a new territory, in spite of the Dred Scott decision, I would vote that it should.

That is what I would do. Judge Douglas said last night that before the decision he might advance his opinion and it might be contrary to the decision when it was made; but after it was made he would abide by it until it was reversed. Just so. We let this property abide by the decision, but we will try to reverse that decision.

We will try to put it where Judge Douglas will not object, for he says he will obey it until it is reversed.

Somebody has to reverse that decision, since it was made, and we mean to reverse it and we mean to do it peaceably.

What are the uses of the decisions of the courts?

They have two uses. As rules of property they have two uses.

They decide upon the question before the court.

They decide in this case that Dred Scott is a slave. Nobody resists that. Not only that, but they say to every body else that persons standing just as Dred Scott stands is as he is.

That is, they say that where a question comes up upon another person, it will be so decided again unless the court decides in another way, unless the court overrules its decision. Well, we mean to do what we can to have the court decide the other way. That one thing we mean to try to do.

Gentleman, at that time it was a traffic in human lives; today it is traffic in the stuff that destroys human lives. You can make your own application.

I dare say that our present laws would be better enforced were it not for this spell of interference that the interstate commerce laws have cast over us. That is

the reason we are not making headway and it is not so much the fault of our present law as that we are handicapped. During the period after the slavery question was settled our people were occupied with the vexing problems of restrictions and the necessity of taking care of a great war debt, and we were constrained to tax the liquor traffic. Those in the business joined in that quickly and gladly, to the end that they would be wedded to the government interests and could not be separated, and therefore their life in this country would be permanent. And I dare say another thing — that if it were not for the political influence of the liquor interests in this country today the temperance cause would make much faster progress.

To illustrate my idea in reference to that situation I want to present to you two business illustrations as we have them in this country today, and you can make your own application.

You are well aware of the fact that the United States Steel Corporation is being investigated by a congressional committee and they are looking into the evil practices of that company, and that is right and proper. But I want to illustrate to you the business effect of the two, the liquor business and the steel business, upon the country as it stands today. I will cite this illustration in reference to the manufacture of liquor: We are told — and I take it that the statistics are accurate; I have no reason to doubt them — that out of the manufacture of one gallon of whisky the farmer gets eleven cents. Then there is the government tax on it, the railway for transporting it gets twenty cents, the distiller gets ninety-five cents, the laborer gets four cents, the drayman three cents and the retailer gets one dollar and seventy-five cents. In other words, for what the farmer gets eleven cents, the distiller sells for nearly nine times that amount, the retailer sells for nearly sixteen times, and the consumer who drinks it at the bar will pay thirty-seven times the price of the raw material.

Now, in the steel business, as much as we hear of the faults of the Steel Trust, we know that the raw material used in the manufacture of steel rails costs, laid down at the furnace, about \$8 a ton. The market price of a ton of steel rails is \$28. That has been the standard for years. Therefore the price as sold to the consumer, is only three and a half times the price of the raw material, but when it comes to the liquor business, the man who drinks it at the bar pays thirty-seven times the price that the farmer gets for the raw material.

I want to make this application: That were it not for the political influence of the liquor business in the politics of the country, the politicians would be falling over themselves to the end that they might serve on investigating committees and show the enormous profits in the whisky business.

Now, just a word on the King proposal. It seems to me that its terms are unintelligible. Possibly they mean what it is said they mean, but I don't know it. We are told there is a great deal of boot-legging and many speak-easies and blind tigers in dry territories. Where do they get the stuff? They get it from the same brewers and the same distillers who are selling to the licensed people. Over in Pennsylvania the brewers and distillers are selling to the licensed people, the blind-tiger operator

Traffic in Intoxicating Liquors.

and the owner of a speak-easy, and the boot-leggers get their whisky from the same source.

So I am rather constrained to believe that they will sell the stuff wherever they have an opportunity to sell it.

Mr. LAMPSON: I move that we recess until seven o'clock this evening.

The motion was carried.

EVENING SESSION.

The Convention met pursuant to recess with the president in the chair. The delegate from Warren [Mr. EARNHART] was recognized.

Mr. EARNHART: Mr. President and Gentlemen of the Convention: After having listened to so many able speeches for and against the proposition now under consideration it would seem futile to attempt to add or detract anything from the force of the argument as presented owing to the fact that a repetition is always considered superfluous, and as this is partially the fact I hope to present some original testimony bearing upon the subject.

That I may be fully understood I want to say at this time that no man abhors drunkenness and dissipation more than I do, and to prevent these conditions and at the same time protect the rights of those who do not abuse the privilege is a great problem to be met and overcome by constructive genius. True temperance does not consist in total abstinence. Used in moderation pure liquor is a valuable agency in restoring to healthy action the wasted energies resulting from disease, exposure, overexertion or any other cause which produces impaired physical vitality. As a beverage, unless accompanied by overindulgence, no evil consequences need ensue, and vastly more credit is due to the man who procures it publicly than is due to the blatant temperance crank who often masquerades under the guise of exemplary purity and at the same time obtains and uses liquor in a clandestine manner, which is an aggravated case of malignant hypocrisy. That the sacred sanctuary of the church, where the fatherhood of God and the brotherhood of man should be taught and emphasized, should be traduced and disgraced by its co-operation with a noisy throng whose manifest object is to intensify and perpetuate dissension and unrest almost to the point of anarchy, is a travesty upon the intelligence of the present-day civilization. The church should close its doors against such a rabble and say to them, "It is well for brethren to dwell together in peace." "Let him who is without guilt cast the first stone." It is our duty to reconcile and harmonize, not to agitate and engender strife and enmity. Your flagrant statements and garbled statistics shall not desecrate the sacred realm of Divine devotions. Our purpose shall be to promote 'Peace on earth, good will toward man.' We are losing favor by reason of our association with you and the advocacy of your inflated doctrines. 'If thy brother has trespassed against thee go tell him of his faults between thee and him alone.' Do not forget that the man who attends strictly to his own business will find enough to do and will be a better citizen than one who tries to establish that he has the Divine right to be his brother's keeper."

Universal temperance can only be attained by a system of education which will attract the attention and enlist the sympathy of those who need restraint. When an appeal is made to their self-esteem and pride of citizenship, together with the infliction of the penalty for offenses committed by the transgressor, who should be liable for any infraction of the law and not permitted to shift the responsibility upon someone else, then and not until then will there be very much progress in correcting the evils. It is easy to make assertions that all crime results from intemperance. Any unprejudiced man knows that such statements are false and are intended to be misleading. It is well known that in nearly every instance where a man is under the influence of liquor it makes him affable and not hostile. Larceny and burglary and robberies are committed by sober men for the sake of gain. Homicides are generally the result of jealousy. A personal quarrel, robbery and sometimes, as in the cases of Pearl Bryan and Donna Gilman, including all forms of adultery, the crime is committed because of an ungovernable temper for sexual lust. Fraud, deceit, artifice and all the concomitant train of evils that now disturb the peace of society may largely be ascribed to numerous causes other than intemperance, and where intemperance is the cause the culprit should be given the full measure of punishment, but the contention that the penalty should be inflicted upon the man who sold him the liquor is asinine stupidity so far as reforming the man who committed the deed is concerned. We are told that we must protect the boys from temptation by keeping them in ignorance of the existence of any kind of fluid except as they get it from the old wooden pump in the back yard. They must not mingle with the boys on the street lest their morals be contaminated. They must be taught to part their hair in the middle and put a standing cloth around their necks when going out into the sunshine. At the age of seventeen you have the finished product—a genuine sissy-boy in the minutest detail in conformity to the queen's taste. In this instance and others of its kind, about the only thing of value in sight is a \$25-suit, covering a fifteen-cent boy upon a falling market. But the end is not yet. At the age of eighteen he gets his ma's consent upon a balmy evening in June to take a stroll up town unattended, where he meets a naughty, wicked boy, who tells him many things of which he had never dreamed. His curiosity is now at flood tide. He leaps over the line fence and becomes the wildest colt in the pasture. I leave the rest to your imagination. It cannot be denied that man is a bundle of propensities, and sometimes he is wont to assert that he is entitled to some privileges in the way of luxury over which some self-constituted guardian shall not have control so long as he does not injure others. The man who is too timid to make such demands surrenders every just claim to the honor which attaches to the proud distinction of free American citizenship.

The Anti-Saloon League and the Woman Suffrage League are Siamese twins, both depending on the same wet nurse for sustenance, both depending upon clamor and chaos for recruits to their ranks, and the aims of both, if adopted, would tend to convert the state into one vast Shaker village, where celibacy would reign supreme—if, indeed, the Bowdler proposal forbidding

Traffic in Intoxicating Liquors.

divorces and privilege of remarriage should be adopted. This matter escaped Teddy's notice while here. Great is the wonder! We are told that there are many men who cannot resist the temptation to debauch themselves. Certainly not when he goes unpunished and the blame is put upon some one else. The man who has no more sense than to disgrace himself by getting drunk does not deserve much sympathy. And when he argues that he has not the will power to resist the temptation, he is so absolutely valueless to society even when sober that he is not worth fooling time on. It is charged that the King proposal contains sleepers, but any sane man who is not blinded by prejudice cannot help knowing that the substitute is a full-grown Rip Van Winkle compared to it. Its sponsors intend to give it a solar-plexus blow at the polls which will send it to its last long sleep. The great majority of the people of Ohio want a license to control the traffic and for this reason the enemies of it are afraid to submit to them a fair license proposition. They want to trick them out of it. The people want a license framed by its friends and not one fathered by Wayne B. Wheeler. They would regard the latter as a bastard and they would be unwilling to adopt such a brat into the official family. Like the government mule, it would have neither pride of ancestry nor hope of posterity. The people want a substantial reality, not a subtle subterfuge. The election of the next legislature will be an important one, candidates will be required to declare their sentiments on this and other questions. Opportunity will thereby be given to get an expression of the popular will. Men should be elected who can be depended upon to carry out that will by enacting the desired regulatory laws. If we are fair and are guided by wisdom and discretion our work will be approved by the people. The time is opportune. There is an earnest and a popular demand for better safeguards. If we succeed, ours will be the glory; if we fail, we will be held up to ridicule and properly so. Gentlemen on the other side seem now to be unwilling to trust the legislature to make the necessary regulations for Proposal No. 4. They had faith in the legislature when the bond issue for good roads was being discussed. What has transpired to cause them to change their minds? Would any of those who are now favoring the substitute proposal vote for it at the polls if it were adopted by the Convention and submitted to the electors, or is it a ruse, as suggested by the member from Lorain, to defeat the whole license proposition by lining up the dregs with their cohorts, the boot-leggers and booze-fighters, against it? Let us imagine that savory dish of crow with champagne sauce, which would be the delectable menu for Wayne B. Wheeler and his faithful lieutenants when they go to cast their ballots for the substitute license proposal. Consistency thou art a jewel! It will be remembered that in the convention of 1851 those who opposed license argued that to throw the thing wide open and put the bar of the honest tavern keeper on a level with the low dive, the business would soon become so obnoxious that the people would rise in their might and wipe it out of existence. We can now appreciate their ability as prophets. Then as now somebody had an axe to grind and has not the welfare of society very much at heart.

As my name implies I am of German descent, and

I heartily endorse the sentiment enunciated by the member from Lucas, he of oratorical tapeworm fame, whose ability I recognize and whose honesty and frankness I admire. If all men were as honest and as good citizens as he is we would not be arguing this question here now. The world will move on, liquor will continue to be sold and drunk. Some kind of a dispensary will always meet the demands of a just, truly-temperate and law-abiding citizenship for their convenience and accommodation. That we are a nation of drunkards and criminals, as some would have us believe, is a slander upon exalted citizenship and a libel upon our present civilization. There are a few who lose their self-respect and fall by the wayside, but their number is insignificant compared with the great army of stalwart liberty-loving and empire-building people. The grand old ship of state will successfully override the angry billows produced by the howling tempest of would-be reformers and will find safe moorings within a peaceful harbor. Our myriads of peaceful and prosperous homes will stand as a monument to our governmental genius. These are the sure foundations upon which must ever be builded the enduring temple of Christian civilization.

If the King proposal is so flagrantly bad why is it not to the advantage of those who are opposed to it? It would be that much easier to defeat it at the polls and then we could go on under the present plan. That was what they wanted in the start. Are they now like Saul of Tarsus? Have they become truly converted to a license system, or are they Judas Iscariots? If they are trying to practice deception and fraud, "They gotta quit kickin' our dawg aroun'."

The gentleman from Holmes seems to admire a hypocrite. Coming from a preacher that is an application of Christian Science which looks as if he was thinking more about a funeral fee than the convalescence of the patient. The learned gentlemen who can see so many kinks in the King proposal are doubtless laboring under an aggravated case of voluntary strabismus, and the wonder is that they have not asserted their inherent right to revise the ten commandments so as to more nearly conform to their own preconceived notions, and also to charge ambiguity in the verbiage of the Lord's Prayer.

"The world will little note nor long remember what we say here," but let us proceed calmly and dispassionately to frame an organic instrument suited to changed conditions, guarding as best we can every interest, preventing dissensions and promoting the general welfare, "With malice towards none and charity for all," to the end that our commonwealth may under God have a new birth and that ours may be a shining meteor in the bright constellation of states of the American Union.

"Fondly do we hope fervently shall we pray," that when the gavel has fallen for the last time, when the last good-by has been said and we go to our homes, it may be with a consciousness that our work has been well and truly done, and that when it shall be submitted to the people for their final consideration we may receive the welcome plaudit, "Well done, good and faithful servants, we award to you the meed of praise. Your work is good and acceptable in our sight. We appreciate your patient efforts for our welfare. We assure you that we in our time, and succeeding generations in their turn, will

Traffic in Intoxicating Liquors.

register your names upon the gilded page of memory's sacred scroll."

Mr. ANDERSON: Will you permit a question?

Mr. EARNHART: Yes.

Mr. ANDERSON: Were you present when the good roads proposition was voted on?

Mr. EARNHART: I was.

Mr. ANDERSON: Don't you know that the statement that you make about inconsistency is not borne out by the facts? Don't you know we bound down the legislature and chained it down.

Mr. EARNHART: You were willing to trust the legislature then; you are not now.

Mr. WATSON: I rise to a question of personal privilege.

The PRESIDENT: The gentleman will proceed.

Mr. WATSON: I have before me a newspaper in which appears the following article:

THE ORIGINAL KING PROPOSAL APPEARS DOOMED.

Columbus, O., Feb. 27.—Wets were beaten 57 to 51 in a test vote in the Constitutional Convention today when a modification of the King proposal was tabled. King himself offered the modification. The vote indicates that the wets, even after giving ground and meeting objections of their opponents, lacked votes to carry through their license program.

The original King proposal now pending before the Convention is considered doomed, and interest centers on the nature of the compromise that is almost certain to be worked out. A vote will be taken tomorrow on the Winn substitute, which limits saloons to one for every one thousand inhabitants and provides forfeiture of license for law breakers. The dries are backing this measure.

On the vote on the modified King proposal today. Delegates Evans, of Scioto, Baum, of Ross, and Watson, of Guernsey, voted with the dries, while Riley, of Washington, cast his vote with the wet element.

Now the implication is that Watson, of Guernsey, Evans, of Scioto, and Baum, of Ross, are wet, but upon that proposition they voted with the dries. Similarly it is evidently an implication that Mr. Riley is a dry, but voted with the wets. I want to say that Watson, of Guernsey, never was a wet, and by the blessing of Heaven never will be.

Mr. HAHN: Mr. President and Gentlemen of the Convention: It is beyond every doubt that we are confronted with one of the greatest problems that agitates American society. Nobody doubts that the liquor traffic question is one of the most serious and most important before us. Everybody admits that it is an evil that is most blighting to families and that were it not for this evil there would be thousands and thousands of families provided with comfort and with everything that makes life pleasant and agreeable; and were it not for this evil some of the greatest minds that have fallen victims to drunkenness would be shining lights, real stars of guidance in the firmament of American society.

The greatest question now is, what can we do? Opinions here differ greatly. I ask myself whenever I

am confronted with this problem, why is it that the state of Maine, which has been for nearly half a century without license and which has been for half a century controlled by the temperance movement, has been compelled to say that it is futile and in vain to proceed in the same direction? I ask myself very often, how is it that the state of Ohio, which has been sixty years without a license and has seen so many anti-saloon movements, has not accomplished anything to diminish that evil, but on the contrary the liquor interests at present are larger than they ever were before? I ask myself whenever I am confronted with this problem, how is it that for nearly a century from every pulpit the thunderbolts of invective have been hurled against drunkenness and still the evil flourishes? Why is it that although there have been most terrible crusades against that evil it has not been reduced? How is it, I ask myself, that the greatest nations that have made history, that have given mankind the greatest uplifts both in ancient and modern days, have been drinkers not of water but of strong drink? I say, gentlemen, there must be something wrong in the method by which that great evil has been treated. And I say the right way to treat that evil is by means of a good sane license. We have here a proposal by Judge King. I am fully satisfied with it. I think the proposal is in substance a good one. I admire the license proposal for what it expresses and for what it does not say. I do not think Judge King has concealed anything. I do not think he has acted upon the principle that language was invented to conceal thought. He has done his duty. He has worked according to his best ability.

That license does not take away the Rose law. It does not take away the Dean law; it does not take away or make ineffective any law in the state of Ohio that concerns saloons in the vicinity of a church or school or about selling liquors to minors. His license provision gives the legislature full power to act according to its wisdom. Still, I don't say that it is a perfect license. Judge King himself tried to introduce a substitute and admits that his license might be improved. Unfortunately it was defeated on technicalities; but, my friends, if we have the best interest of the great commonwealth of Ohio at heart we must endeavor to secure a license for it. I am in favor of a license because under a good license our personal rights and liberties are protected. There have been all kinds of remarks made here concerning personal rights and all sorts of definitions have been placed on that term. Gentlemen, in order to get a clear conception, a clear idea, of what personal rights mean we need not go to the mythical age of the biblical periods of Adam and Eve, or to the island of Robinson Crusoe to find it. We need not even go back to the thirteenth century, when, in the year 1215, the English barons wrested from King John the Magna Charta which gave them personal liberty.

I go merely to the first article in our constitution, treating about the inalienable rights every man has. Every man has the right to seek and obtain happiness and safety. What right have I to go to my brother and dictate. "You dare not drink this, nor touch that nor taste this?" Am I his guardian? Am I his superintendent? Is he not just as sensible as I am, and are not his personal liberties to be just as much respected as mine?

Traffic in Intoxicating Liquors.

When, gentlemen, the time should come that we have no respect for the personal liberties and personal rights of our fellow men, then our republic will have become a republic merely in name, a mere sham.

The next reason why I am in favor of a sane, good license is because it is the only way the saloon can be respectable. A great many laugh at that. If anybody speaks about a saloon as respectable, it provokes with them a smile. Friends, we have heard here condemned saloons and saloon keepers and brewers in the strongest possible terms. I do not think they are angels, nor do I think that they are pinks of perfection. I admit that they have their faults, but after they have sent throughout the state of Ohio their pamphlet saying, "Help us make the saloon respectable, limit the number of saloons, and do not give everybody a chance to go into the business, make the persons applying be persons of good character, persons of honesty and uprightness, make the saloon respectable by revoking the license of anyone who does not properly conduct his place, is it proper that we should push them away? We should not turn a deaf ear to them. Is it not rather proper that we should say to them, "We will try to do what we can in that respect; we see there is a desire among you to make the saloon respectable and on our part we will do for it everything that is possible?"

I have heard so much said about the bad character of the brewers and the saloon keepers. Now, gentlemen, I have no personal interest in this matter. I have not been drunk in all my life. No one in all my family, so far as I know, has been given to this vice of excess or abuse, but whenever I feel like drinking a glass of beer or a glass of wine or a glass of liquor you may rest assured I do not ask a permit of anybody. And I don't sneak into a saloon either; I go there openly. In my house there has always been wine, beer and whisky, but only of good quality, and I have never said to my children, "Don't drink of it." Had I ever told them not to drink of it, it would have been to them a forbidden fruit, and the first money my son would have earned he might have invested in whisky. But, no, thank God that I was guided by the idea to make no secret of it and I am free in my family from intemperance. I tell you, gentlemen, there are many saloon keepers and brewers whose character and whose principles and whose honesty and whose manhood are second to nobody's in any profession or trade.

But, gentlemen, I am not so narrow-minded as to think that a license can reach and cure all of these evils, and I do not believe there is any universal remedy for all evils. I say besides the license we must have moral education. We must attend to the moral education of our children and we must become a nation of educators. Each one of us must feel a certain responsibility for our friends and neighbors and for everybody in moral respects; the moral education can be effected in a plain way. First of all, if we want to give a moral education, we must teach self-knowledge. In the ancient Greek city of Delphi there was one of the finest temples the Greeks had, the temple of Apollo. Over the threshold of that temple were two words in Greek, "Gnote Souton"—"Know Thyself"—and I think wiser words have never been spoken. Self-knowledge is a great secret and the foundation of true moral education.

The PRESIDENT: The time of the gentleman has expired.

Mr. TANNEHILL: If I were to consult my own feelings I would not speak on this subject at all, especially since nearly two-thirds of our members are absent; but I feel I would not be true to my constituents and to myself and to my home if I did not voice my objection to a reversal of the established policy of the state of Ohio for the last sixty years that has regarded the saloon as an evil and has refused to recognize it. They are playing here the same game they have always played. They are asking more than they expect so as to get more than they deserve, and I fear that some of the so-called temperance people in this assembly have become somewhat rattled along this line and have gotten to the point where they will accept half a loaf instead of standing for the whole meal. If you will excuse a homely comparison, it is like flourishing over us a bungstarter, Proposal No. 4, and then when we are properly impressed, they think we will take the spigot brought in yesterday. Ought we forget that they both lead to the same barrel?

The oldest book in existence recounts the fact that when Noah came out of the Ark in a drunken revel he cursed and swore until he himself, at the time, and one-third of his descendants ever afterward were black in the face. And going on further back, I have no doubt that the trouble with Adam was that he was drunk, for when they threw him out of the Garden of Eden he was naked, a very natural state for a drunken man to be in, and he tried to cover himself with leaves. I don't know any man who would try to do that unless he was drunk.

Now ever since the time of Noah, whenever they appointed committees to consider this question, it has been the invariable custom to appoint a committee the majority of which was opposed to the evil. It remains for the Constitutional Convention of the state of Ohio in this year 1912 to appoint a committee a majority of which are in favor of the evil. Call that a temperance committee! I thought we were here to revise the constitution and not to revise the dictionary. I suppose they are going on the theory that is being adopted all along the line—"the tariff must be revised by its friends"—and I suppose so must the liquor traffic. There is a startling similarity between the position, condition and demands of the liquor traffic today and the condition, position and demands of the slave power just preceding the Civil War. So startling is the similarity or parallel that I do not care to trust myself in a few minutes' talk on the matter to speak extemporaneously, and I have prepared briefly a little discussion of that point.

Slavery at the beginning of our national existence was recognized as a great evil by the citizens of every one of the thirteen original states, and that blot on civilization was tolerated only because they believed it would soon be eradicated.

But ere fifty years had passed from the signing of the Declaration of Independence, slavery had changed from an evil deplored and despised by all, to an institution defended by those who profited by its existence and extension and who denounced as dishonest disturbers and disloyal abolitionists those great Northern leaders, Lloyd Garrison, Wendell Phillips, Wm. H. Seward and others, who dared to suggest a restriction of the evil.

Traffic in Intoxicating Liquors.

Years passed and when public sentiment had reached the point where a majority of the states were about ready to declare, "Thus far shalt thou go and no farther," and to demand its gradual extinction, the slaveholders, as blind to public sentiment as evil-doers are today, asked the congress of the United States to make the evil respectable by making it national, and actually secured the passage of the Kansas-Nebraska bill for no purpose in the world but to force slavery into free territory. Not satisfied with that nefarious outrage on justice and public decency, these traffickers in human bodies actually placed their polluted hands on the highest court in the land and induced that high tribunal to declare in the famous and infamous Dred Scott decision that slaves were not persons, but things, and as property could be transported from state to state regardless of any prohibition by the state of any such debasing traffic within her borders.

Today the great brewers' and liquor-dealers' trust, which not only traffics in human bodies, but human souls as well, occupies the exact position of insecurity and threatened eradication that the institution of slavery held in 1854 when the Kansas-Nebraska bill was passed to make slavery national. It faces sure and speedy extinction. And yet in this year 1912, in this state, the mother of presidents—the greatest state of the most enlightened nation on earth, where the saloon has been an outlaw for sixty years, with no rights that any law-making body is bound to respect—we are asked to place in our constitution a new Kansas-Nebraska bill making the saloon business a state-wide, legal and respectable institution, to reach out its slimy tentacles into dry territory and in utter defiance of a majority of the people in rural counties to grapple, stifle and destroy the sons and daughters of a defenseless people. Are we going to repeat the blunder that brought on the Civil War?

And when you do this, when you pass this King state-wide license bill, rest assured that an Ohio supreme court decision, the counterpart of the Dread Scott decision in infamy and possibilities for evil results, is sure to follow.

I don't want to waste the time of the stenographic force of Heaven; I don't want to fill up the pages of the Book of Life with records of a futile and senseless effort on my part to make honorable that which is inherently dishonorable. I agree with the able and sometimes facetious gentleman from Hamilton county [Mr. BOWDLE] in his disgust at the ravages on our timber supply to furnish paper to record speeches that sound better than they read. But how much more deplorable it is to cause the angels to fell the trees on the streets of the New Jerusalem to furnish paper for the recording angels to chronicle the vain attempt of the gentleman from Hamilton to make the saloon business respectable! Should he not, instead of delivering one of his masterly orations and gyrations, rather fall on his knees and cry unto the Most High, "Spare that tree?"

If before we vote on this proposal I can secure unanimous consent for those in this Convention who are supposed to favor the King proposal to be excused and can induce them to go to any one of the saloons in this city and spend five minutes listening to the maudlin talk of the patrons of the place visited, and then returning to this hall resume consideration of this subject, if a vote is

taken immediately I am willing to submit the King proposal for ratification or rejection of those so-called wets alone without the radical drys expressing any opinion whatever. You are cultured gentlemen, you enjoy brilliant and witty conversation, and elevating companionship, and no self-respecting man of culture and refinement ever listened five minutes to the foolish babble of drunken men in the ordinary saloon without a feeling of loathing and disgust.

Are you going to license a business that makes gibbering idiots of its patrons? Are you going to place your stamp of approval on such a traffic and send it into every section of your state, giving it a respectable and legal standing, on a par with a grocery, a meat shop or a dry-goods store, when it changes God-like man into a consciousnessless brute whose senseless gabble would cause his anthropoid ancestry in the forest of Africa to cease their monkey chatter and hide their faces in silent shame at the degeneracy of their, by some, supposed descendants?

Mr. PETTIT: It passes my comprehension how any man who has ever seen the demoralizing effects of liquor can stand up here and advocate the license cause. And as yet, men of ability, men of great ability, like the gentleman from Hamilton county [Mr. BOWDLE] have gotten up before this Convention and poured forth a tirade of abuse against men standing here for the protection of their homes and families. It astonishes me. I met the gentleman not very long ago. I went down to his office to get acquainted with him and I formed a very favorable opinion of the gentleman on that occasion, and he talked quite differently then from what he talks now. He got up here before his audience and talked about a poor old man like myself, who has suffered from this infernal curse. There are scars in my heart and on my cheeks that will never be effaced while I live as the result of this traffic. Gentlemen, I can scarcely trust myself to talk on this subject because of what I have suffered from it. I have been fighting it for twenty-five years, and if it is the last act of my life I shall fight it until I die. Let it touch your boys and girls, and if you have a fatherly feeling you will not be sitting around here with smiles on your face. It brings to my mind what the poet said and I quote this, with particular reference to the gentleman from Hamilton county [Mr. BOWDLE]:

"Vice is a monster of such frightful mien,
That to be hated needs but to be seen,
But seen too oft, familiar with its face,
We first endure, then pity, then embrace."

And we find him here on this floor, this Sabbath school teacher, embracing the saloon. Yes, I am a temperance crank—call me anything you want to except a saloon Sabbath school teacher. Palsied be my tongue and my right arm when I shall cease fighting this traffic.

Talk about making respectable a business like this, that robs your home of its brightest jewels and destroys your children! Hell is full of such respectability. Saloons are the ante-chambers of hell and nothing else. They are the recruiting stations for the army of the damned. It is against God and morality, the church and everything that is holy and sacred.

I do not like to impugn the motives of any man. I am willing to believe that some here who differ from

Traffic in Intoxicating Liquors.

me are honest about it, but it just shows how association with the accursed traffic will demoralize.

They want to know why we are fighting this traffic in Ohio. I will tell you why. Because the accursed saloon keepers have been fighting every statute that has been passed to better conditions. There has not been a restrictive measure passed since 1851 that has not been fought at every step by the saloon keepers. They are always awake. Are they satisfied like any other business in the country? No, sir. They want every hour of the day and ever hour of the night to transact their hellish business. A poor laboring man may be going home in the middle of the night with a dime left and they want it before he gets to his family. And then talk about licensing such a hellish traffic as that, to give it a certificate of good character! It is something I will never do. I tell you the time will come when no court in this land will support such a law as that in the constitution of any state. What are governments organized for? To protect society. To protect the morals, peace, health and good order of society. And when anything is arrayed against these things it is their business to stop it. There is no one on this floor who will dispute the fact that the tendency of the saloon is always toward degradation. It makes perjurers and thieves and liars, and I can prove it. And it doesn't take very long to do it.

I have been prosecuting the whisky traffic in Adams county for twenty-five years. I stood up for years and fought it single-handed and alone when a man now on the temperance platform was fighting me. At length I was called upon by the council of the town of Peebles, where there was a murder nearly every year as the result of the saloon, to put the saloons out of that town, and he was hired on the other side. It was not very popular then. There was money on the other side, but some fellows have changed like Saul of Tarsus. They have seen a great light. One case I tried was for selling to the minor son of a widow, before the mayor of West Union. He took that case to the supreme court and I got \$6.75 attorney fee and that was paid me by the Women's Christian Temperance Union. I don't want any money out of the accursed traffic. I don't know whether there is another lawyer in the Convention who can say what I can say. I never defended a saloon keeper in any way in any shape or form. I would rather die in the infirmary of the county and be buried in the Potter's field than take revenue from this traffic. I have wondered that God Almighty has let this country prosper as it has when it is taking revenue from the brewer and the distiller, and saying to them you can make as much of the stuff as you please if you will pay us so much revenue. I say, start at the head of it. Of course, we can't do that at the present time, but we can control this thing in the state of Ohio. If we had a governor with any backbone, who had any regard for his own oath, if we had mayors of the cities who had regard of their oaths, there would not be any trouble about it. If we had a governor who would say to the cities where they claim they can't control it, "If you can't control it, I will bring the militia and we will control it," we would have an end of this thing. It is a beautiful admission to me, for the men from Cuyahoga and Hamilton counties to say that they can't control it. What efforts have you made? "We have saloon Sabbath school teachers who go in and drink

beer." That is the effort you made. I wonder if the gentleman took his Sunday school class down to the saloon and got them beer and told the boys, "Here is the thing that produces gray matter in your brains. It will make you great men; sit here and sip your beer." I don't know how much he has taken for the gray matter in his brain.

Now it is not worth while for me to talk to you about this being an outlawed business. The gentleman from Mahoning [Mr. ANDERSON] used a good deal of my thunder, but there is one decision I want to refer to. A number of years ago in the state of Kansas a brewer had to go out of business because of their local option laws, and he sued for damages for destroying his property in that manner. The case went to the supreme court of the United States, and let me show you what the supreme court of the United States said about it. This is the only case I shall refer to, although I have a number of others. In that case the brewer argued that having erected a plant suitable only for making beer, he had a personal right to manufacture and sell beer as a beverage.

The court met the argument fairly in this language:

And so, if in the judgment of the legislature, the manufacture of intoxicating liquors for the maker's own use as a beverage, would tend to cripple, if it did not defeat, the efforts to guard the community against the evils attending the excessive use of such liquors, it is not for the courts, upon their views as to what is best and safest for the community, to disregard the legislative determination of that question. So far from such legislation having no relation to the general end sought to be accomplished, the entire scheme of prohibition, as embodied in the constitution and laws of Kansas, might fail if the right of each citizen to manufacture intoxicating liquors for his own use as a beverage were recognized. Such a right does not inhere in citizenship. Nor can it be said that government interferes with or impairs any one's constitutional rights of liberty or of property when it determines that the manufacture and sale of intoxicating drinks, for general or individual use, as a beverage, are, or may become, hurtful to society, and constitute, therefore, a business in which no one may lawfully engage. Those rights are best secured, in our government, by the observance, upon the part of all, of such regulations as are established by competent authority to promote the common good. No one may rightfully do that which the law-making power, upon reasonable grounds, declares to be prejudicial to the general welfare.

There it is. There it is in a nutshell. "No one may rightfully do that which the law-making power, upon reasonable grounds, declares to be prejudicial to the general welfare."

Even the saloon Sabbath school teacher from Hamilton county can not say it is entirely good, although he made the best effort he could, and the best of any man on the floor. Mr. Earnhart did nearly as well. His theory is to set the bottle before the boys and if they haven't the backbone to resist, let them go. His theory

Traffic in Intoxicating Liquors.

is, if you want to make your daughter virtuous, send her to a brothel to see what transpires there. That is the theory. Tempt a man with it all you can, and if he falls, kick him into the gutter, and then talk about "Peace on earth, good will towards men." They are preaching hell on earth.

I said in the start that I admitted this subject stirs me to my inmost being. I hate it in every fiber of my being and expect to till I die.

The time of the gentleman here expired and was extended on motion of Mr. Dwyer for ten minutes.

Mr. PETTIT: Now they say we are bound to have the saloons always with us and the way to control them is by license. The whisky people come and offer us this Proposal No. 4. Do you believe—are you foolish enough to believe—that the saloons are coming here to make their sales of this accursed stuff less? Not one of you believes it. Talk about wanting to be restricted. We have more restrictions than they want under the Rose law and other laws, and every one of them they fought. Not only that, but about two years ago there was an effort made to get the common pleas court to remove the mayors who would not obey their oaths and they defeated that. Restrict the business! They have been fighting all these years to keep from being restricted, and now they want to be restricted, and they are complaining about certain human outcasts, their own spawn getting into their business. Do you think that is genuine?

His is the only business in this county that is ashamed of its finished product. Take a saw mill; you haul a log to the mill and they saw it into lumber and it is taken to the carpenters and is put into a house or some furniture that goes into your parlor—beautiful articles—it is increased in value. So, along the line of all manufactured articles, the finished product is the more valuable. But take the finished product of a saloon, and what have we? No wonder Shakespeare said: "Oh, thou invisible spirit of wine. If there is no name, we may call thee by, let us call thee devil."

There are a good many other things I would like to have said, but probably it won't amount to anything. But I wish to conclude with the following:

Courts may adjudge, judges decide, lawyers assert, and newspapers affirm that such enactments (as the license referred to herein) are recognized by law, but all of them united will never settle the question that way, but they will deepen and intensify the opposition to the iniquitous curse until it shall be swept from the face of the earth, and then this saloon question will be settled, because it will be rightly decided. This state can no more permanently endure half drunk and half sober, half "wet" and half "dry", half license and half anti-license, than the United States could "half slave and half free."

But the conflict cannot be won in a single engagement; it is not a battle, but a protracted, bitter war. The anti-slavery heroes were frequently repulsed both before and during the test of arms of '61 and '65. If a single engagement determined the fortunes of war, Bull Run would have closed the incident.

"We've been beaten back in many a fray,
But help divine will borrow,
And where the van guard rests today,
The rear shall march tomorrow."

"But God moves in a mysterious way,
His wonders to perform;
He plants his footsteps on the sea
And rides upon the storm."

Bull Run was the event of supreme inspiration to the Union cause; it was the event which aroused the herculean strength of the champion of equal rights for all men. The Dred Scott decision and the battle of Bull Run could not and did not change the wrong to right.

The anti-saloon and temperance forces have had their Bull Run and Dred Scott decisions, but they have not changed falsehood into truth or wrong into right.

We have passed the Gettysburg of the conflict, and the open defenders of the saloon are becoming as scarce as the open defenders of slavery; and by and by we will have our Appomattox.

The brewers, the distillers, and the saloonkeepers are apologizing; they are confessing that conditions are deplorable; they are promising to reform, but they never thought to repent until the rising tide of an indignant public sentiment had ominously threatened the annihilation of the whole business. Even under such conditions, their greed obscures their vision, and each seeks to shift the blame to the other.

An Indianapolis brewer recently attempted to plead guilty for the distiller. He said:

Beer is really a temperance drink. It is cooling and beneficial as a food. It is whisky that makes drunkards and wrecks; that creates the disease known as appetite that fires the passions, that frenzies the brain and causes the nameless crimes and wrong that are charged, without a just discernment against the traffic as a whole, when they should be charged to the whisky saloon alone.

In reply to this, and in defense of his branch of the trade, the Louisville distiller entered the following plea of guilty for the brewer:

Every one bears testimony that no man can drink beer safely; that it is an injury to any one that uses it in any quantity, and that its effect on the general health is far worse than that of whisky—clogging his liver, rotting his kidneys, decaying his heart and arteries, stupefying and starving his brain, choking his lungs and bronchia, loading his body with dropsied fluids and unwholesome fat, fastening upon him rheumatism, erysipelas, and all manner of painful and disgusting diseases, and finally dragging him down to his grave when other men are in their prime of mental and bodily vigor.

The time is rapidly approaching, when, in the face of an aroused public sentiment, no court can be found that will have the brazen hardihood to hold that a pursuit is right and legitimate, which, like the wolf, crouches by the cradle, waiting for an opportunity to attack the purity of babyhood, a pursuit that necessitates a police

Traffic in Intoxicating Liquors.

force in any community where it exists to maintain order; a pursuit that robs homes of their rightful tranquillity and makes heartrending partings; a pursuit that is the prolific mother of disease, of gambling dens and of the social evil; a pursuit that makes little, innocent children hungry, cold and sad; a pursuit that seduces the innocence of youth and despoils the purity of women, that causes murder and all the nameless crimes of depravity, that fills poor houses, orphanages, insane asylums, jails and penitentiaries, that has caused so much misery, woe and anguish among the people that the heavens are almost draped in mourning.

In conclusion I call on God to give us men.

"God give us men! A time like this demands
Strong minds, great hearts, true faith, and ready hands;
Men whom the lust of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatterings without winking!
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking,
For, while the rabble, with their thumb-worn creeds,
Their large professions, and their little deeds,
Mingle in selfish strife—lo! Freedom weeps,
Wrong rules the land, and waiting Justice sleeps!"

Mr. RILEY: The ordinance of 1787, under which the territory north of the river Ohio was organized, declared that religion, morality and knowledge were necessary to good government and the happiness of mankind.

Yet the constitution framed for the first state carved out of territory referred to, our constitution of 1802, provided that "no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry."

This constitution was framed by New Englanders and Virginians, who knew that the efforts to reform men by compelling them to attend church was fruitless, and that the idea had become obnoxious to the more intelligent citizens who had been witnesses of the failure in New England and Virginia of laws enacted to compel church attendance.

There are a few fundamental propositions that seem pertinent in this discussion. No man was ever made moral or religious by law.

There is something in human nature that revolts at too much interference with personal conduct.

You cannot make men or women temperate by law. Temperance is a virtue and its teaching, preaching and practice is commendable.

Intemperance, whether in drinking strong drink or in any other form, is supreme folly. There is no law, divine or human, that makes it criminal to drink spirituous or malt liquors. There never was any divine law forbidding the manufacture or sale of spirituous liquors. There are few places in the world where the manufacture of intoxicating liquors is not permitted, and comparatively few places where it is not lawfully sold. If it is not criminal to drink, it is not a crime to manufacture or sell liquors except where it is made so by law.

But there are certain persons who, for the sake of the argument, we will concede are supremely good; some of them, employed at so much per, and some, without hope of fee or reward in this world, who boldly say to their neighbors "thou shalt not." Not content with seem-

ing to practice and teach temperance, they declare that the manufacture, sale and use of strong drinks as a beverage is criminal and shall ultimately be prohibited.

Now, from my standpoint, temperance and prohibition are two very distinct and different propositions.

I have learned that city or state prohibition is a failure, and I oppose it for this and several other reasons. It is un-American. In a free country one citizen has the same right to use strong drink that another has to drink or eat what the prohibitionists admits that he should eat or drink.

Prohibition is a school of hypocrisy, perjury and crime, in other forms.

A lawyer who I know well was talking prohibition in the presence of a judge. The judge said, "You try to prohibit the other fellow from drinking by taking all the whisky yourself. That is the kind of a prohibitionist you are."

A painter told me recently that he was employed in my town by a minister. The painter was in the cellar. Two boxes were found there resembling beer cases. The minister told the painter they were filled with books. An investigation proved that they contained both empty and well-filled beer bottles.

It is an open secret that many dry advocates have liquor sneaked in from the alley, through the back door into the cellar, the keg sometimes marked "cider" or "vinegar."

These things were learned in the prohibition school of hypocrisy. I would not charge any member of this Convention with being a hypocrite, but if a member would, after making a long temperance speech, treat another member to beer in a saloon that he had denounced as a vile place, he would be insincere to say the least.

"For what is the hope of the hypocrite, when God taketh away his soul." Job 27, 8.

It was my duty for three and a half years in dry territory, to prosecute violators of law. My observation led me to believe that the seller and purchaser of intoxicating liquors in most cases were both willing to swear anything they thought necessary to acquit.

It is well known that many jurors disregard their oath in such cases. Here are results of the prohibition school of perjury.

Where saloons have been closed in Ohio by the prohibitionists, for every saloon closed ten more bootleggers or keepers of speak-easies or blind-tigers engage in the business of violating law. They do business seven days and nights of every week; they sell to minors, to drunken men, habitual drunkards, to anybody, regardless of age, sex, race or color. And it is reported that they sell the vilest stuff on earth, all graduates from the prohibitionists' school of crime.

The story of the opinion of our people of the county option law is told in a few words.

In December, 1908, the county was voted dry by more than 1,300 majority. In December, 1911, a petition for another election was filed on Friday and an election order entered on that day. The vote was taken January 13—another hoodoo. And yet the wets won. Why? Because the voters had learned that prohibition did not prohibit, and if they had not so voted they would have been like the Irishman who was present when an English-

Traffic in Intoxicating Liquors.

man asked a Frenchman, "If you were not a Frenchman what would you be?" "An Englishman of course," he replied, "What would you be?" A Frenchman," was the answer. Pat was asked what he would be? His reply was, "Be dad, I'd be ashamed of myself."

It was generally believed that there was as much drinking and disorder under the dry as under the wet regime in our county. There was also more lawbreakers, because the bootlegger and speak-easy people were all lawbreakers and the purchasers were near-lawbreakers.

How demoralizing and absurd it was for ministers of the gospel to say that it was better to have scores of bootleggers and their kind than one saloon. And a lady told our committee that she preferred blind tigers to those with eyes. I have said that such preaching is demoralizing; it is so because it encourages lawbreaking, and persons who enter on a career of crime do not always confine their operations to misdemeanors, but frequently progress to the higher grades of crime.

Such teaching is absurd and wrong because it is well known that more drunkenness and disorder is traceable to a jug or bottle of whisky or a keg or case of beer, surrounded by a few thirsty boys, than a barrel of such drink sold over the counter of a saloon.

There is no greater mistake made than to have laws enacted that cannot be enforced. It brings law into contempt and invites the violation of the most desirable laws. It may be in the mind of someone who hears me, what has any of this to do with the proposition pending here? In anticipation I beg to say that it is as pertinent as the story of the Massachusetts blacksmith or the prophecy of the gentleman from Defiance as to the lineup at the election on the pending Proposal No. 4.

The gentleman from Defiance [Mr. WINN] as well as the gentleman from Franklin [Mr. KNIGHT] said that this question should be kept out of politics, and because there are less open questions in the substitute than in the King proposal they preferred the substitute. We will see.

They say that two questions are settled by the substitute and taken out of politics. What are they? The one-thousand population scheme and the punishment regulation, both of which any fair-minded license advocate should agree are wrong. They are distinctly matters of detail and therefore properly legislative; either of these so-called regulations would burden any proposal. One voter would object to the number and want it larger, another smaller. This clause would inevitably defeat the proposal.

The other regulation that the gentleman from Franklin commends and thinks it settles a question and takes it out of politics is the provision, "That any license granted shall be deemed revoked if in any place operated under such license, any law regulating such traffic in intoxicating liquors is violated."

This in a legislative act or constitutional provision would be wrong.

Under such provisions an innocent man might lose a valuable privilege without any knowledge of the violation of any regulation.

Let us illustrate: Two enemies of the holder of the license might go into the place and violate a regulation against gambling without the consent or knowledge of the owner and cause him to suffer. Would a law be fair

that would make all citizens liable for crimes committed in their homes without their knowledge or consent?

What sort of justice or square deal is this?

Let the man who wrote that paragraph hang his head in shame, and in some way apologize to this Convention for such insult to the intelligence of its members.

Mr. ANDERSON: Will the gentleman permit an interruption?

Mr. RILEY: No, sir; the gentleman from Defiance in opening the discussion set the example of refusing to allow interruptions.

Mr. WINN: I beg your pardon, I did not.

Mr. RILEY: You certainly did. I favor the King proposal as a temperance measure. I refer to the one offered yesterday. It would surely keep out of business the degenerate man mentioned by the member from Athens; it is certain that such a man could never do business under any license system. It is regretful that he did not mention the counties in which such a brute was permitted to live. The requirement "to regulate and restrict" is broad enough in Proposal No. 4 to authorize the enactment of the restrictive or regulatory measures desired.

The gentleman from Athens read into the record much of statistics and other matter from the Anti-Saloon League text-book, an authority that is not considered very good by some members on this floor. We would probably have been spared this infliction if the member had been permitted to conclude his remarks in one day.

The member from Athens also quoted Scripture showing that St. Paul advises us to shun the appearance of evil. I will also quote from the letter of St. Paul to Timothy: Timothy 4:23. "Drink no longer water, but use a little wine for the stomach's sake and thine own infirmities."

It is recalled that the member from Athens was requested by the member from Sandusky [Mr. STAMM] to read from Holy Writ and that the request was not granted.

Time was taken last Sunday to learn what was meant by the request, and the command is quoted: "And thou shalt bestow that money for whatsoever thy soul lusteth after, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul desireth and thou shalt eat these before the Lord thy God; and thou shalt rejoice, thou and thine household." Deut. 14:26.

The member from Athens said on this subject:

I believe that if the circumstances had been the same as in our day it (meaning the Bible) would have advocated the absolute suppression of the saloon. I believe that in this day they (the Bible writers) would teach prohibition.

I have no doubt that idea has been entertained by many prohibitionists, but did not expect such a statement from the distinguished gentleman, who seems to think—strangely, as I believe; most prohibitionists do—that God did not seem to foresee what a great benefit it would have been to the cause of prohibition if He had sent some message through Moses, or some other inspired writer, that would give color of authority for the lucrative and praiseworthy efforts to enforce prohibition; or if, when He sent His only begotten Son to earth, He had ordered the glasses turned down at the wedding,

Traffic in Intoxicating Liquors.

how much better it would have been for their cause; or if, when the Savior drove the money-changers from the temple. He had only followed up the good work, and taken up a hatchet, smashed in a few saloon windows, chopped up even one distillery, one wine press and one brewery, and had then given a hint as to the wickedness of any brewery, directly or indirectly, selling its own goods at retail. Why, think of it! How natural it is for the brethren and sisters to regret that such important things were overlooked! The gentleman, and other prohibitionists, must think the oversight is the more remarkable because St. Paul wrote to Timothy probably fifteen hundred years after the command of Moses referred to above, and nearly twenty-four hundred years after the drunkenness of Noah, the head of the only family saved from the great flood (Genesis 9:21), and about eighteen hundred and twenty-five years after Lot was drunk on several occasions. (Gen. 19:33-35.)

And the epistle of St. Paul quoted from was written about ten hundred and seventy-five years after King David had, for a very selfish and unworthy motive, made Uriah the Hittite drunk.

These things are not said irreverently, but for myself I seriously believe that God desires that the people of this earth shall be free moral agents, free to make of this world what they like, having regard to the rights of others, and that no authority is found in His word for prohibition. It is very different as to temperance in all things. If one-half of the money and energy that are spent on attempted prohibition were spent in genuine temperance reform, great good would be accomplished.

If the women would devote sufficient time to learn to make wholesome bread, and to properly prepare meats and vegetables to make them fit for human food, they would render better service to the men and the boys than they can possibly render in prohibition crusades.

It is believable that as many people suffer and fill premature graves from overeating and eating badly cooked food as suffer from strong drink. But the business before us is, shall we submit to the people the question of regulated license? Believing, as I do, that the people are anxious and ready to vote on that question, I am for the King Proposal No. 4.

The time of the Delegate from Washington [Mr. RILEY] expired during the delivery of his remarks and on motion of Mr. Elson he was given additional time.

Mr. ANDERSON: A question of privilege. The gentleman who has just left the floor referred to me beyond any question. I was picked out as a hypocrite. I had hoped that we would get through with this matter without any personalities, and after finishing the question of temperance or liquor we would all be good friends. I believed that would be true.

Dr. Stamm yesterday, through a mistaken idea of humor, transgressed against the canons of gentlemanly conduct and of good taste and when I spoke to him about it he said he regarded it as a joke, just a thing thrown in to enliven the proceedings. I did not think anyone would be so narrow between the eyes that they would try to make it a subject of amusement and I could not very well call to witness all the people who were there last night. If I were to do that I would transgress against gentlemanly conduct as much as Dr. Stamm did.

As it happened it was not in the barroom. I wish to inform the gentlemen that it was in the smoking room.

Mr. RILEY: I said nothing about the barroom.

Mr. ANDERSON: You spoke about hypocrites and I have a right to respond.

The PRESIDENT: The gentleman said he charged no one of this Convention.

Mr. ANDERSON: All right, if he wishes to take it back.

Mr. RILEY: I don't take anything back. What I have said I have written down.

The PRESIDENT: The member is not in order. The rules require that when words are spoken that are objected to the attention of the speaker shall be called to them and they shall be taken down.

Mr. ANDERSON: They were taken down.

The PRESIDENT: The rules require that the words complained of must be put in writing and brought to the attention of the Convention in writing if any exception is taken to them. The member from Delaware has the floor now.

Mr. MARRIOTT: I assume that all that can be accomplished by anything said here tonight will be that we will go upon the record. I would not expect or hope to change any delegate's vote by anything that I had prepared to say or that I shall say. I had prepared something, but so much of it has been said that I shall not confine myself to my manuscript.

Allusion was made today to a paper that I put out before the election on the effect which a license would have upon the present temperance laws or the regulatory laws of the state. I did not think when I was answering some charges that were made against me that what I then said would ever reach beyond the borders of my own country. It was purely a legal argument from my standpoint, in advance of the attitude which I shall take. When I was drafted, gentleman of the Convention—for that I am here as a delegate from Delaware county in this Convention is not of my seeking or asking—I much would have preferred to remain at home with my family. But I took a position favoring the licensing the traffic in intoxicating liquors, and a fight immediately came on. I presented my views as best I could, and sincerely stated my reasons for favoring a license. So, gentlemen, I came here pledged—I will not say pledged, but favoring a license, and intending to assist in getting a license provision in our constitution. I have said, and I repeat it here, "that it is my honest and sincere conviction that the world would be better off if the whole iniquitous business of trafficking in intoxicating liquors were wiped from the face of the earth." Holding these views, it may be asked why or how I can consistently vote to license an institution which is regarded as an evil as the traffic in intoxicating liquors is regarded, both by the very language of our constitution that we are now seeking to amend, and by all the courts of this country from ocean to ocean. Now why, therefore, should I be in favor of licensing an institution which is conceded to be evil?

I have always held to that belief, and I have always thought that our present constitution as it now relates to the traffic in intoxicating liquors, was weak, inconsistent and contradictory, if not ridiculously absurd.

To say that no license to traffic in intoxicating liquors

Traffic in Intoxicating Liquors.

shall hereafter be granted in this state, and then follow it with language which is contradictory of what goes before it and inconsistent with it—"But the general assembly may provide against the evils resulting therefrom" is inconsistent. A license purports a privilege or a right, and when the constitution says that no license shall hereafter be granted in this state to traffic in intoxicating liquor that means that no privilege or right is given to engage in the traffic, and therefore, if there is no right to engage in it, it is unlawful to engage in it. If the framers of the constitution of 1851 had stopped there, there would have been some reason and consistency in it, and we would not have been in the turmoil we have experienced for sixty years. The whole trouble arose from the language that follows: "But the general assembly may provide against the evils resulting therefrom." Saying in one breath that it is unlawful and it shall not be trafficked in, and in the next breath that it may provide—the general assembly shall make laws to punish it.

I believe a restricted, carefully guarded license is the best present means of reducing or minimizing the existing evils; that it is the best we can do until public sentiment is aroused sufficiently against it to banish the evil entirely from the land.

I came to this Convention favoring and pledged to vote for such a license. I cannot and shall not vote for a license which will do less. I cannot, therefore, support the proposal reported by a majority of the committee in the form in which it is reported, but I shall vote for the substitute offered because it is the best that is given me, according to my views of what we ought to do.

I cannot support a proposition which gives to the liquor interests enlarged privileges over those which they now have; that would be to increase the evils, not to lessen them.

I cannot vote for a proposal which gives them more than they asked for in the pre-election contest, and this the proposal reported by the majority does, as I am prepared to show by their own published statements in little booklets which were sent out by the friends of license. Do I say the friends of license? Yes, the friends of license, and I have stated already that I am in favor of license.

I listened with very great interest to the very able argument of the author of the proposal, the distinguished gentleman from Erie, for whom I have the greatest respect and very highest regard.

Much has been said on the floor of the Convention about "sleepers." That is an obnoxious and offensive term and I do not use it. The author of this proposal, Judge King, is incapable of intentionally embodying in any proposal a "sleeper," but I can not agree with him in his construction of the meaning of the proposal.

I regret that it was not made so plain that it would not require a court to construe its meaning.

If members of this Convention, largely composed as it is of lawyers of ability, cannot understand its meaning, how can it be hoped that the people will understand it when they come to vote upon it?

I am opposed to a proposal which is veiled in uncertain meaning. I am opposed to a proposal which unsettles and renders nugatory all the decisions of our supreme

court bearing upon the liquor traffic. To do so would be to plunge the state into endless litigation.

I do not want to vote for a mandatory license. I will vote for a permissive license, if I am given the opportunity to do so.

I am opposed to making it compulsory upon the general assembly to pass a license law whether they want to or not, and without regard to the wishes of the people, whose servants they are.

Moreover, such a command could not be enforced. Mandamus would not lie, and there would be no way to compel the general assembly to carry out the mandate of the constitution.

I am not clear, but I don't think any such mandatory clause commanding the legislature is found in the good roads proposal which this Convention has just adopted. I think it was merely permissive. If I am wrong about this the gentlemen will know.

Is the privilege of trafficking in intoxicating liquors in this state more sacred than the privilege of good roads to all the men, women and children of the state?

But distinguished gentlemen say that the proposal also makes it mandatory upon the general assembly to pass "license laws to regulate and restrict the traffic which shall be operative throughout the state".

True, but why leave the extent and character of these restrictions and regulations to the general assembly? Why have they not embodied in their proposal some limitation upon the number of saloons which may be licensed in certain communities?

The PRESIDENT: The time of the gentleman has expired.

On the motion of Mr. Donahey the time of the delegate from Delaware was extended.

Mr. MARRIOTT: I thank you. I did not know I was occupying so much time, but fifteen minutes passes very rapidly.

Why have they not embodied in the resolution the power of revoking or recalling the license when the licensed parties "shall prove themselves unworthy through infractions of the law?"

This language is not mine, but the language of the advocates of license as used in their circular literature before the election.

Why leave this most vital point to the discretion of the general assembly when you are unwilling to trust to their discretion the option of granting license or not?

It seems to me that the motive is apparent. License with the least possible regulation and restriction is probably the motive behind it all.

Now in conclusion I want to read from this little pamphlet which was put out before the election by the license advocates:

The licensing of saloons in Ohio is prohibited by a specific clause in the constitution adopted in 1851—that is the reason why effective saloon regulation is impossible in Ohio. In the first place the state has no power to keep undesirable citizens out of the saloon business; in the second, it lacks power to oust them after they once get in.

Ohio has regulatory laws. * * * But owing to the constitutional bar against license they could not go far enough. It is the removal of

Traffic in Intoxicating Liquors.

this constitutional restriction that the fair-minded citizens of the state are asking of the Constitutional Convention which meets at Columbus in January.

For thirty years the people of Ohio have been demanding some kind of regulatory laws for the liquor traffic. They have been hampered by the constitution. Regulatory laws have been effective to a certain point. But because of the constitutional provision prohibiting license they have been unable to utilize the three greatest elements:

1. The limitation of the number of saloons;
2. The exclusion from the business of undesirable characters.
3. The ever-present power of license revocation.

Now what I would like to ask is, were they in good faith when they put out that literature that the three essential things they were asking for were the limitation in the number of saloons, the exclusion from the business of undesirable characters, and the ever-present power of license revocation? If they were in good faith when they did that, then I ask those who are insisting upon the adoption of the so-called King proposal, why they don't come over and accept the proposal of the member from Defiance, which has in it a limitation of the number of saloons and the power to revoke the license if the party proves himself undesirable, or accept the substitute offered by the gentleman from Mahoning, which has all of these and in addition makes it impossible for a licensee to have any interest in a brewery in this state.

I have said that I was not in favor of a mandatory license, but each and every one of these three proposals uses the word "shall" and I have nothing left but to vote for one or the other of them, and as between these proposals—until something better is offered—I shall support the substitute offered by the gentleman from Mahoning [Mr. ANDERSON], but I hope we may get together and frame up something by the time this question comes to its third reading that will be satisfactory to all concerned. I have already transgressed beyond what I should have done and I now yield the floor.

Mr. PIERCE: Mr. President and Gentlemen of the Convention: I am like a gentleman from a neighboring state who was ambitious to go to the state legislature. He announced his candidacy and finally went over to one of his political friends and told him he was a candidate for the legislature and would like to have his support. The gentleman eyed him carefully and doubting his honesty finally said, "John, if you will promise me one thing when you go to the legislature that you won't do I will support you." John said, "What is that?" "Why, that you won't steal." It offended John's dignity and he straightened up and said, "I want it distinctly understood that when I go to the legislature I go absolutely unpledged."

I approach the discussion of this question unlike that man, for I came to this Convention pledged to license and regulation. When I announced my candidacy I retired to the privacy of my office, and I didn't consult any brewer, I didn't consult any Anti-Saloon leaguer or anybody else, and I inscribed upon my banner three

things in addition to some others. The first thing I put upon my banner was that I favored home rule; the second proposition was that I favored license and regulation of the saloon; the third proposition was that I favored the initiative and referendum and the recall. I went before the people of my county and answered every question asked me, whether pertinent or impertinent, and I told them exactly what I stood for, and I received the commission from the people of my county to be in this Convention, and that is the reason I am here. I do not want them to think I am here under any obligation to any brewer, saloon keeper or Anti-Saloon League, because I am not and never have been, and I haven't a single cent invested in any saloon or brewery or anything of that kind. Notwithstanding that fact, I know the principal brewer of my town opposed my election and I know the Anti-Saloon League opposed my election, but I am here in spite of both of them, and while I am here I am going to do my very best to make this people a good constitution, which I feel it is my duty to do. Now there have been a good many proposals offered in this Convention on the subject we are considering. I do not agree with a single solitary one of those proposals. I do not agree with the King proposal nor with the Winn substitute nor with the anti-saloon proposal. I have a proposal of my own, and I am going to read it to the Convention and you can take it for what it worth. I object to the proposals because they are all too long and because they admit of a double construction. I want something plain and unequivocal and something that every man who reads can understand. I have gotten the matter as I think it ought to be submitted to this Convention. It may be that some of the gentleman can puncture it full of holes. If they can, proceed to do it; I don't want anything in the constitution that is not absolutely right and just to all parties concerned. Here is what I propose and it is so much shorter than anything else that has been offered that you can all catch it at almost a reading:

License to traffic in intoxicating liquors shall hereafter be granted in this state. Nothing herein contained shall invalidate, limit or restrict the provisions of any laws now in force or that may hereafter be enforced relative to such traffic.

I have gotten this into four lines and I believe it absolutely covers the question. I may be mistaken about it. You will observe that I have tried to provide license in wet territory and that I have attempted to keep license out of dry territory and territory that may hereafter become dry, and that license can be granted in territory hereafter becoming wet. I give this to you for your consideration and it may enable the Convention to get together upon some plain, sensible, common-sense proposition.

Now, gentlemen, I am not going to discuss what has been said in this Convention. I can not possibly do it within the short time left to me. I would like to take up some of the propositions made by the gentleman from Delaware [Mr. MARRIOTT] but I haven't time to do it. Therefore, I am not going to say a thing in reference to what anybody else has said in this Convention. I want to say that I have gotten up here to talk merely for the purpose, as my friend from Preble [Mr. EBY]

Traffic in Intoxicating Liquors.

said, for home consumption. I want to put myself on record so that there can be no possible doubt about it. Sometime ago we had Judson Harmon here and we had Theodore Roosevelt, and they both read from manuscripts, so I hope I shall be pardoned if I do the same thing.

I shall not trespass long upon the time of this Convention in discussing license and regulation of saloons, but I want to place myself on record, and I take this opportunity of placing my views before the Convention.

The consensus of opinion, it seems to me, is for some practical common-sense plan of dealing with the question. It is admitted, I think, that prohibition is impractical and therefore out of the question. If this is true, then the question is, shall we have license and regulation or do we want to continue to "tax" the traffic? For my part I am pledged to license and regulation believing it is the most feasible way of dealing with the question. I know it is said it is immoral for the state to enter into partnership with an evil. This may be true, but is licensing the traffic any more of a partnership than to "tax" it as the state does now? If the principle of license is wrong, the principle of taxation is equally wrong, from my viewpoint. Therefore, to be consistent, the opponents of license should demand absolute prohibition of the traffic. As I believe in rule by the people I would be willing to submit the alternative proposition to the people of license or prohibition. The majority should rule, and I am willing to bow to its decision whether it meets my individual views or not. I do not believe in prohibition at all. I have but little sympathy with those who advocate it, because I feel it is an unwise, impractical way to handle the question.

No law can legislate away a person's appetite. It would be just as reasonable to legislate against the tides of the ocean. People are not made good by laws. It is a question of education, training and evolution. But because I am opposed to prohibition, it does not follow that I believe in excessive drinking. I am opposed to both. I believe in temperance and self-control. It is not wrong per se to take a glass of liquor. A person should have the right to do so if he chooses, and it is nobody's business except his own. To interfere with this right is an invasion of one's personal liberty and freedom of action. All the state has a right to do in the premises is to legislate against the evils arising from the excessive use of intoxicating liquors. It is the abuse of the right, not the legitimate use of it, that is wrong. It would be just as reasonable to prohibit the use of firearms, as to legislate against the reasonable use of liquor, because a few people use them for the purpose of committing suicide. They are all right in their place; so are liquors. It is the illegitimate use of both that is wrong, and because a few people use them in a manner harmful to themselves it is no reason why the legitimate use of them should be absolutely prohibited.

I know a number of people who neither use tea nor coffee because they feel they are harmful to them, yet does anybody contend that because they do not use them they have the right to say their neighbors shall not use them? I deny they have such right, and if they do not have it with tea and coffee they do not have it with liquors. I am of the opinion all the Convention should do is to make the license legal and let the legislature of

the state work out its detail. I am opposed to placing a lot of statutory laws in the organic law of the state. They are two distinct things and should be kept so as far as possible. The constitution should grant the authority; the legislature should do the rest. I am opposed to any proposal on the liquor question so far submitted to this constitutional Convention. All of them are objectionable in some manner or other.

I want to see a short, plain, sensible license plan submitted that will not admit of double construction. It must be plain and unequivocal. It should be so plain that each member of this Convention may comprehend its provisions. It should not require a trained mind to understand it. It should be short and to the point, not only that the public mind may grasp it, but that the courts will not dare to write something in it that was never intended by its framers. It should be so worded that none of our regulatory laws will be interfered with. The people have the right to say whether they will have saloons or not, under county, township, municipal or residence-district option. This right shall not be abridged or denied. Personally I shall not vote for any license measure that in any way interferes with the right of home rule. I want the people themselves to say whether they want saloons in their community or not. If they do not want them they shall be excluded. If they do want them they shall be licensed, regulated and strictly controlled. There has been too much hypocrisy on part of both the democratic and republican parties in dealing with the liquor question. Instead of trying to settle it on the basis of statesmanship, both parties have used it for political purposes. This has not been just to the people on the one hand, or to the liquor element on the other. It is time to take it out of the domain of politics and settle it on an equitable basis independent of party. It is a business proposition and should be settled on business principles, not made a plaything for politicians with which to deceive the people. Because I favor a license for saloons in wet territory or territory that may hereafter become wet by a majority vote of the people, it does not follow that I would not throw regulations and restrictions about the traffic. Among other things I would require the following restrictions in granting a license:

First. The applicant would be required to be a citizen of the state.

Second. Good character would be a condition precedent to granting the license.

Third. Would take an oath not to sell to a minor or a person visibly intoxicated.

Fourth. Would obey the closing ordinance of the municipality, also the Sunday law.

Fifth. Would not allow gambling in connection with his business.

Sixth. Would not run a wine room in connection with his business.

Seventh. The applicant would be required to give bond for the faithful performance of his duty.

Eighth. If he violated any of the conditions of his license he would be warned. For the second offense he would be fined, and for the third offense his license would be revoked, and he would be held ineligible to get another license within the state.

I am satisfied if this Convention will adopt a license

Traffic in Intoxicating Liquors.

plan, and the people will ratify it at the polls, it will be a step in the right direction. I believe it will do much to promote the real cause of temperance, a thing to be desired by every man who has the best interest of the people at heart, and if it fails to do this the blame will rest with the legislature of the state and not upon the delegates of this Convention.

During the delivery of the address of Mr. Pierce his time expired, but on motion duly seconded and carried his time was extended.

Mr. MARSHALL: Mr. Chairman and Gentlemen of the Convention: I had not intended to make any remarks on this question until this afternoon when some of the other delegates were talking and I concluded I would jot down some headlines on which I would talk ten or fifteen minutes. What I have to say will probably be along different lines from most that has been said by the delegates in this Convention, and while not directly upon license will be connected with the discussions before this Convention.

The United States government has life saving stations all up and down the Atlantic and the Pacific coasts and on the Gulf of Mexico and on the Lakes. Life-saving crews at those stations are watching tonight, probably from lighthouses, for vessels that are giving signals of distress. Those government employes are drilled and trained and equipped for a certain purpose, and when they see vessels up and down the coast signalling in distress the first thing they do, if they are near enough, is to throw out a line to the vessel, and to that line is attached a heavier line, and then another line, until finally a line is drawn out to the vessel of sufficient strength. What next? That life-saving crew is supposed to get on the life-saving line and bring the people to the shore that they may not go down to a watery grave. Suppose instead of doing that the life savers would just get on the vessel and commence dipping water from the side of the vessel; by so doing they would, of course, let everybody go down instead of bringing the perishing crew out from a watery grave. If they were to do that and it would be reported to headquarters those men would be brought before the government authorities and tried — courtmartialled — and sent to an insane asylum or the penitentiary, for they would not have done what the government put them there to do, and instead of bringing the perishing souls from the vessel they remained there and tried to dip the water away from it.

Now, I will leave that right there, and I am going to the creation just for a moment. I may dodge around a good deal, but you will catch what I want to get at after a while. God created this world, from day to day, and then He pronounced it all good, and when He got it all created He looked around and saw that it was good, but there was nobody to till the soil and He created man and He breathed into his nostrils the breath of life and the man became a living soul. He created him an helpmeet, and He put them into the Garden of Eden and He pronounced it all good and He made a little speech, and now what is He going to do? He is going to test the work of His creation. That is what He is going to do, and what I want to say right now is — I will say it under the headline of "Broken Links" — it is all fixed up, it is all created, man and woman in the Garden of Eden and He is going to test them just as a powerful locomotive

is tested before it is put on the road. He makes a speech, then He leaves their presence and the devil comes in and that finest piece of mechanism of God's creation, that pink of God's creation, fell and dropped into the awful abyss of total depravity. And God Almighty, seeing this condition, takes hold of the forge of love and mends the broken link. The materials used was death, blood and power. God so loved the world that He gave His only begotten Son that whosoever believed in Him should not perish, but should have everlasting life. The death of Jesus Christ redeemed. His blood bought and His power saved. Now what the world wants today is neither prohibition nor force, but love, and this gospel alone, drawn out from His ambassadors into the light of the world, is what we must take hold of and by it we can be saved and not by taking away sin from them, not by taking the saloon away from them, not by taking anything in the world away from them. Not in that way will they be saved from sin. Just as long as the old world stands, the Atlantic will be full of water, the Pacific will be full and the lakes will be full and the Gulf of Mexico will be full to the last day. And the man who thinks today that he is going to regenerate this old world and with power or force take sin out of this world, will wake up in eternity and find he has been wonderfully mistaken. As it was in the days of Adam, even so it shall be in the days of the coming sons of man. They eat, they drink; they marry and are given in marriage.

I want to call your attention to one more thing along this line. It refers to the deliverance of the Israelites from Egyptian bondage. God's people were in bondage in Egypt and they were there for several hundred years. The God of Heaven and earth wanted to deliver them. He wanted to bring them out and He sent Moses down there and he brought them out and crossed the Red Sea and went over into the wilderness. I am not going to say anything about that calf story or about his going into the mountains and getting the law, or about the direction to build the temple. I want to hasten on. And these people went out into that wilderness. I heard someone tonight talking about snakes. There were fiery serpents in the wilderness and just so sure as one of those snakes bit a man, though he was the child of God, it was death. There was no medical skill in the world that would save him from the bite of the fiery serpent. So the Lord told Moses to hammer out a serpent from brass; he hammered it out and the Lord told him to put it on a pole and tell the people if any are bitten and they will come and look at the serpent of brass it will rid them of the deadly poison. Now what is the remedy for sin today? What is the remedy for all the ills we suffer? Is there any Moses to lift up a serpent in the wilderness before us? Is there any man who could lift up before us the remedy today?

Sometimes I think if it had been a little later in the world's history there would have been something else. Now I want to say, with all due respect to those who believe differently, God in all the world's history never had any use for any prohibitionists in saving the people from their sin, and I am sorry today to see the ministers of the Gospel, the ambassadors of Jesus Christ, who are commanded to go in all the world, that they have stepped down into the corruption of the political world and are trying to force men to do right.

Traffic in Intoxicating Liquors.

God's plan is a plan of love. What they should do is to throw out a life-line. The woof and warp would be the golden threads of the true life and not the wrong and rotten shadow of falsehood and force, and if the church of Jesus Christ is united as it should be and not torn apart by sectional division and strife — if it were all united, it would go forth and it would not be long before the saloons and the saloon keepers would be redeemed by love; but they never will be by force. Why do I say that? Because eight hundred centuries probably before Jesus Christ came to the world, before He

made His advent into this world, we hear the prophet saying something like this: "High as the Heavens above the earth, so high is God's way above man's way, and God's thought above man's thought," and that is the reason why I stand and say what I do tonight. God's plan is to save you and me by love. It was the forge of Love that mended the broken links. That forge of love will save you and will save me, as individuals and collectively, but prohibition never will.

On motion the Convention here recessed until tomorrow morning at nine o'clock.