

# THIRTIETH DAY

(LEGISLATIVE DAY OF MONDAY)

## MORNING SESSION.

THURSDAY, February 29, 1912.

The Convention met pursuant to recess and was called to order by the president, who recognized the delegate from Tuscarawas.

Mr. STEVENS: It has become fashionable over the country to criticise the Constitutional Convention, and it has been said that there is in this body a lack of the open mind. Whether that is true or not, I think I am safe in saying there is not any particular lack of the open mouth.

So far as my part in the deliberations is concerned, it has consisted of a maximum of listening and a minimum of talking, and I hope that that record will continue. If any fault is to be attributed to anyone, it certainly is not to me, because up to this time I have not occupied more than two minutes of the time of the Convention, and even now I am not engaging your attention of my own volition, but only appear at the solicitation of some of the enemies of the infamous King proposal.

I am opposed to it on account of the source from which it comes.

I am opposed to it on account of the manner of its coming.

And I am opposed to it on account of the proposal itself.

When I speak of the source from which it comes, I have no particular reference to the member from Erie [Mr. KING] because it is a fact well known to every well-informed delegate in this Convention that he had little more to do with it than the page who carried it the ten feet from his hands to the secretary's desk. It was manufactured before the delegates to this Convention were elected. It was manufactured in the offices of some brewer, or at the headquarters of some brewers' association, or some gathering or collection of saloon keepers, and the member from Erie cannot be blamed for anything more than acting as mere messenger to this house.

When I speak of the source from which this proposal comes, I speak in general of the saloon interests of the state of Ohio, because they are the parties responsible for the existence of this proposal. Every saloon keeper of Ohio stands ready to back the King proposal to the end of time. Every brewer in the state of Ohio stands ready to do the same thing. Unfortunately there are probably one-third of the members of this Convention who are willing to go whithersoever and do whatsoever these interests desire.

I think the Convention is easily divisible into three classes, and they are not very far from equal in number. One of these classes is the class I have just mentioned who are in favor of an extremely liberal constitutional policy towards the traffic in intoxicating liquors. The

second can be said to be those middle-of-the-roaders, and it is to them that most of my argument is directed, because it is upon those middle-of-the-roaders that we have to depend. The third class embraces the men who come here knowing their duty, who come here with their minds made up as to this great question, knowing the evils of the saloon, who intend to do everything they can to combat those evils in every way. Now I need not enter upon a discussion of the evils of the saloon traffic and it goes without saying that the men who are engaged in the traffic are the kind of men who would be expected to be engaged in it. I was somewhat surprised the other day to hear the gentleman from Erie [Mr. KING] say that he had among his list of acquaintances men who were engaged in the liquor traffic who were the peers of the best of us. If the best of them equals the best of us, it is fair to assume that the average of them equals the average of us, and this Convention would be no better than a gang of bar tenders and saloon keepers. I deny that. Now let us see the source from which that comes. Let us see whence that has emanated. The putative father of this King proposal lives in the town of Sandusky and it is not giving away any secrets when I tell you that in the town of Sandusky there is one saloon to every two hundred inhabitants. He said they didn't have anything like local option and he said across the table of the committee room that in his town there had not been any effort to enforce the laws against the liquor traffic. He said boastfully that in his town you could not get a jury which would convict a saloon keeper even for keeping his saloon open on Sunday. I object to the great state of Ohio, through the membership of this Constitutional Convention, taking its policy on the greatest evil of any age from any such community or any such man. That is one objection I have to the King bill, the source from which it comes. I think he slanders his community. I do not think there is in the state of Ohio a town so lost to all sense of respect and decency and good order and good behavior as to tolerate what he says his town tolerates. Just think of it, that there cannot be a jury found to convict a man in his town for keeping open his groggery on Sunday! I do not believe it. I have had occasion in the past to visit the gentleman's town. I have gone there to sell sewer pipes. I have found that the town was active in its efforts to carry away the physical filth and slime that infests that town and I cannot believe that they are not anxious to carry away the moral filth that inheres in the saloon business. I think the gentleman from Erie [Mr. KING] slanders his community, and I hope the time will come when that community will rise in its strength and vindicate itself, not only for its own sake, but for the good name of the rest of the state of Ohio.

Now, I object to the manner in which this proposal comes. It comes presented, of course, by its friends, and that presentation in itself to my mind is enough to make any thinking man in the Convention take serious consideration before he supports it or any substitute for

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it. I am told in some of the little principalities of the old world, under pure democracy, they had a method of public voting. In those little countries, and some of the modern countries, too, all of the community assemble on some plain and there the questions at issue are stated, and all those who desire to vote one way go on one side and line up and those who desire to vote the other way go on the other side and line up and confront them. Oh, I wish that this liquor bill—this King proposal—could be settled in the state of Ohio by some such means as that. I wish that on some of our broad plains or up and down some of our beautiful valleys all of the friends of the King proposal could be put in one long, crooked, slimy line. It would contain every pot-bellied brewer in the state; it would contain every saloon keeper; it would contain every low-browed, shifty-eyed hanger-on of the saloons; it would contain every painted courtesan in the state; it would contain every thief and gambler and black-leg and plug-ugly in the state, and scattered through that motley crowd there would be thirty or forty well-dressed, distinguished-looking delegates to the Fourth Constitutional Convention of the state of Ohio! Why, gentlemen, that nice-looking, well-dressed bunch would look like a handful of white beans scattered through a barrel of huckleberries.

On the other side would be seen the bone and sinew of the state of Ohio. Every school teacher, every minister worthy of the name, every good woman and every mother of a good family, every influence that for all time in the past has been building the state upward to its present magnificent position. Oh, the grandeur of that line opposed to the King bill! The history of its achievements would be the history of the state. I repeat, gentlemen, I wish that in Ohio we could have an ocular demonstration and let the friends of the King proposal see with their eyes the company they are in and the ground on which they stand.

Now as to the bill itself. I do not know whether the King proposal is full of sleepers or not, but the first peculiar thing I noticed was the colloquy between the putative father of the King proposal and one of the learned men in the Convention. The colloquy lasted three-quarters of an hour and the one was never able to understand and the other was never able to explain. The member from Stark the other day poked fun at the lawyers and he said that there were forty-seven lawyers who were members of the Convention and there were forty-seven different opinions as to the meaning of the King proposal, and yet he stands up and says he is going to vote for it, that he is going to vote for that kind of a conglomeration to submit to the ordinary country voter in the state of Ohio. He produced the strongest argument against the King proposal that has been produced yet on this floor. Forty-seven lawyers in the Convention and no two of the forty-seven understood it alike! Does he expect the voters to understand it?

The member from Hamilton [Mr. BOWDLE] told us the story of his life. He said when he was a young man and under the influence of a christian mother and had contracted some disease by which he expected to die pretty soon, he was a prohibitionist, and then when he went out somewhere and recovered his health he changed

over. It reminded me of something. I don't often spout poetry, but here is something that applies to his case:

The Devil was sick,—  
The Devil a monk would be;  
The Devil was well,—  
The devil a monk was he.

Mr. KRAMER: I have listened very attentively to almost every word that has fallen from the mouth of every speaker in this Convention from the time we convened to this very minute. For seven long weeks I have listened to every word, and during those seven weeks I have spoken seven words. It may be a few more and possibly less. I think it would be better if I did not say anything on this occasion, but it seems to me I ought to say a word or two expressing my opinion relative to this question. I tell you, my friends, I am eternally and everlastingly opposed to the word "license." License is a sound to me that grates on my nerves. Under no circumstances can I conscientiously support any measure with the word "license" in it. Now I will tell you why I am so opposed to the word "license." It was hinted at by Mr. Redington the other day. He gave utterance to this expression: "The drunkard is a criminal. He ought to be placed in the stocks. He ought to have thumbscrews put to him. He ought to be sent to the workhouse and be compelled to work with a chain gang," and then in the next breath he said, "Kramer, I would like to have you help me pass this license proposition to place this institution upon a legal foundation." Why, the only thing it has produced is the drunkard, and if by little son John, perchance, should become a drunkard and should appear before his honor, Judge Redington, he would say, "You are nothing more than a criminal. You ought to have the screws put to you. You ought to be put in the stocks." And I would be his infernal old father, who voted to license the institution and place it upon every corner of the city!

What about John S. Kramer, Sr., his infernal old daddy! That is why I am opposed to license.

Then he went on further and said when he was mayor of his town he didn't have any old drunkards coming around and blowing their dirty stinking breath in his face. No; he sent them to the rock pile. Then in the next breath he said to me, "Kramer, you and the rest of the delegates to the Fourth Constitutional Convention help me to license the saloons and place them on a legal foundation and put one on every corner of the city of Mansfield." Then they would send down thousands of drunkards to blow their stinking breaths in the faces of our wives and children. That is why I am opposed to license. If the thing is such an awful evil as that I don't want to legalize it. And if it is already legal, as the gentleman from Allen [Mr. HALFHILL] says it is, we don't want to license it and make an evil legal.

But I agree with the gentleman from Tuscarawas [Mr. STEVENS] about one thing. He was talking about lining up the men on two different sides I would like to see that done, too, my friends. The one side might look better, but if you would tear the cloak of self-righteousness off of a bunch of hypocrites in that one line they would be worse than the saloonkeepers and the brewers and the pimps and the courtesans in the other line. I have sat around in the Knights of Pythias council

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day after day and night after night and heard our self-righteous K. P.'s get up and say, I am thankful that I am better than other men. We don't admit to membership in our order the saloonkeeper. I thank God that I am not like him." And then those dirty scoundrels go right down from the K. P. hall and go right out into active every-day life and vote and work and pray — if they can pray — for the very institution that demands these saloonkeepers and these brewers in the business. Which is the worse? Why, those infernal scoundrels who go down from the K. P. hall with their cloak of righteousness wrapped around them, thanking God that they are not like other men, and who then go out and vote for the infernal institution that demands the saloonkeeper and the brewer to run it.

I have a brother who belongs to the Masons and I have a brother who belongs to the Odd Fellows, and from what they tell me they have exactly the same principles in the Odd Fellows and in the Masons that we have in the K. P.'s. They won't admit a saloonkeeper or a brewer, but you watch when the roll is called and you will see the Knights of Pythias and the Masons and the Odd Fellows voting to legalize the very institution that makes the men they won't admit into the council hall because their business is so degrading they are not worthy to mingle with polite society. Oh, Brother Stevens, the one side may look better, but you tear off the cloak of self-righteousness and you will find that all the scoundrels are not voting in favor of the King proposal.

Now about the church? We talk about saloonkeepers and brewers and drunkards, and there are men who will go into a church on the Sabbath day and sit around in the pews and look solemn and listen to every word of the sermon and then the infernal hypocrites will go out and work and pray for an institution that makes drunkards. Which is the worse, the infernal old hypocrite who prays the one way on the Sabbath and votes the other way on week-day, or the saloonkeeper? And you watch when the roll is called and you will find Presbyterians, who think that things are because they were to be, and you will see Lutherans, one of whom I am, and you will see shouting Methodists voting for the King proposal simply because the brewers and saloonkeepers want them to vote for it. Who is the worst, the drunkard and the bum and the courtesan and the gambler and the thief, or the man who makes believe he is righteous and holds up his hand in holy indignation at the drunkard and then goes out and makes the institution which demands the drunkard to keep it in existence?

Now there may be some hypocrisy even in this Fourth Constitutional Convention of Ohio, as I verily believe. The member from Mahoning [Mr. ANDERSON] yesterday said when he was talking about the drunkards sitting on the diamond in Youngstown, "How about the saloonkeeper?" The gentleman from Mahoning [Mr. ANDERSON] ought to get back one step. He ought to have said, how about the fellow who works one way and votes another. That is why I am opposed to license. I do not want to vote for license, but I cannot choose anything else. This Convention is a license Convention and it compels me to vote for the lesser of two evils.

Now let me say one other thing, in conclusion. The gentleman from Hamilton [Mr. BOWDLE] said that every man has his views on the bargain counter and they are

for sale to the highest bidder. I deny that. There are those men whose views are not on the bargain counter. I am not censuring the gentleman from Hamilton because he is judging other people by himself; and because his views are on the bargain counter he says that every other man's views are on the bargain counter. Brother Bowdle, what does it take to buy your views? Will votes buy them — will the votes of the saloonkeepers and brewers of Hamilton county take your views from the bargain counter into the marts of the world?

Now I cannot close without speaking a word in favor of my Master Jesus Christ. It seems to me one of the most awful sacrileges ever perpetrated anywhere to get up and say that Jesus Christ would favor a proposition of this kind and say that He was in favor of it during the life that He lived. I have often wondered why men like that are not stricken dead in their tracks when they utter such sentiments. What did Jesus Christ say? He noticed the awful effects of drink on the body and mind of man and he said that no drunkard can enter into the Kingdom of Heaven. He saw that it deteriorated ability and that it would be absolutely impossible for such a man to get into the Kingdom of Heaven; and yet they say on the floor of this Convention that if Jesus Christ were on earth today He would vote like a lot of old hypocrites to maintain an institution that is sending a hundred thousand drunkards to the grave every year. And He said that any one of those souls is worth more than all of the world combined. But what an awful slander upon the good name and reputation of our Master! What a terrible sacrilege to say that Jesus Christ Himself down on the face of this earth would be upholding and maintaining the saloons!

The gentleman from Hamilton [Mr. BOWDLE] yesterday twitted us drys for supporting this proposition that has in it the word "license." If my friend Bowdle will quietly come around and whisper into my ear as a dry man how we can avoid it I'll thank him for the rest of my life, and I'll go home and tell my mother that one of the best men in Ohio is Bowdle of Cincinnati. How can I avoid it? I thought a week before I signed that minority report. But what could I do? The majority of this Convention are license men. It is so heralded abroad and it is true. Then the one thing for me to do is to get the lesser of the two evils and take the brewers at their word and put in restrictions and limitations and meet them half way. I'll tell you, Mr. Bowdle, of Cincinnati, if you get up and move to put off the consideration of this whole question indefinitely I'll vote with you, and then if you will get up and vote to postpone the consideration of the minority and the majority reports indefinitely I'll vote with you. I'll vote to leave the constitution just as it is, and the constitution as it is suits everybody. It suits the brewers because they are selling more liquor today in dry territory than ever they sold in wet. It suits the distiller because he is selling more whisky today in dry territory than he ever did when the territory was wet. It suits the drinker because he is getting all he wants, because the gentleman said yesterday that for every saloon that was voted out ten speakeasies took its place. So it suits everybody, and I am willing to let the constitution rest just as it is, and I shall be glad to vote that way and I'll give a vote of thanks to anybody who will have that done.

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Mr. DUNN: A good many years ago a very noted physician stood on the southeastern shores of a little lake in a far eastern country. The wild man of the mountains, a great curse to the whole neighborhood, had come down to oppose the landing of this physician. The people came flocking from every direction to see this wonderful stranger. They beheld a wonderful scene — the background of the beautiful lake and the heavenly stranger, whose face beamed with love and kindness, and at his feet, sitting clothed in his right mind, the wild man of the mountains, free from an awful slavery, and here was a friend who was standing on their shore, ready to go out through their country, to their homes, and bless every one. This poor benighted people were a people heavily burdened. Here in the one home was the leprosy, in another a dear one lay in the arms of death, the people in darkness, not knowing the road towards Heaven, and here was the stranger, ready and able to cure the leprosy, to raise even the dead to life and show the people the road to Heaven. And they turned their eyes toward the mountain and saw that their swine were gone. The angels of Heaven listened and were silent, for here was the wonderful choice: Shall we receive this Heavenly stranger, who is able to bless us, or shall we keep our hogs? And the choice was, "We will keep our hogs. Depart from our coast," and that Heavenly stranger went down in the boat and crossed the sea and never returned.

In this Convention today we have a very similar choice. I want you gentlemen to notice it is not the farmers, who are so numerous in this great state, that have been taking up our time the last week or two. It is not the farmers who rushed in with Proposal No. 4 to this Convention. It is not the laboring men who have been taking up our time for the last week or two and may take up another week or so. It was not the farmers or the laboring men who blocked the wheels of legislation last winter in this building for weeks. Who is it that demands our time? A few foreign brewers and saloonkeepers and comparatively few persons of the people in Ohio demand the attention of this great Convention. Now, what is the reason for it? They want the cash, these foreign brewers. They want money; they want to ride in their automobiles, and they want to be presidents of the banks. They want to be millionaires at the expense of the people in this state. The saloonkeepers want to make money. They want to collect the wages of the laboring men in this state and in return give them worse than nothing for their money. What they return for the money is a minus quantity. The courts have so decided it. All of experience and observation show it. Why even the wets in this Convention acknowledge it. Crimes and disgrace and loss of manhood, trouble and burdens and poor homes, ragged and starving children, and wives working over the wash tubs! On the other hand, suppose there are some drinkers in this state who demand a saloon, and things in the shape of men with throats and stomachs who want beer to taste well as it is running down. Appetite, as far as the people go, and money as far as the saloonkeeper and the brewer go.

One other argument. Is it not strange that in this Convention we seem to be agreed almost on one proposition — that the saloon is an evil and only an evil. Only a very few try to excuse the saloon. But I want you

to notice that there are only two ways of regulating the saloons proposed. One is by experts, the people who have been trying to control the saloon and get rid of the saloon, and the other by people who are not experts in that line at all, and who have been the friends in some degree of — at least, not working very strongly against — the saloon. They can not claim to be experts in regulating the saloon. They can not claim to be experts in working against the evils of the saloon. Is it not strange that we have here the brewers and the saloonkeepers wanting to regulate this thing?

The brewers are experts with regard to extending their own business, and some of these persons who claim to be experts on the dry side in a strange way are voting with the experts on the wet side. What right have the foreign brewers and the saloonkeepers, who are ruining our homes, to come and demand our attention for so many days, farmers and laboring men and the heads of homes in this state of ours?

Mr. Bowdle said yesterday that we are undertaking to use force, and he proposes to regulate the saloon by licensing the saloon. We are told that you can not regulate the saloons without licensing them first. I am not a lawyer, but that is a very strange proposition to me. I can't understand it. If you go to my stable some night and find a thief leading off one of my horses, and I should say "That is my horse," I will land you in jail. He will say, "No, I haven't any license. You must first license me before you can regulate me." I was asked the other day by the chairman of this Liquor Traffic committee, "Would you turn the militia loose on the citizens of a certain wet town in the northern part of the state" that he mentioned? I would not turn a mob loose, but remember, friends, the Christian church is ruled by law, it believes in law, and law must be enforced.

Christians are not anarchists, and if in that town the saloonkeepers are lawbreakers I certainly would expect them to obey the law. If those same people in that town were going out over this state stealing our horses would you refuse to execute the law? Would you refuse to use the militia if it were necessary to make them obey the law? Are our boys of less interest to us than our horses or our hogs? They say that you can never be clear of the saloons. I want to say to you, gentlemen, that God's throne is unshaken. Oh, we may have reverses in local option elections. We had a battle of Bull Run during the war and they were saying that the war was a failure, but it was not a failure. I remember when I was a boy I heard of a crank named John Brown who was going to free all the slaves in the South. I have passed by his place in West Virginia. They arrested him and took his life. Poor old crank. I remember of hearing a friend in our home saying that he deserved it, that he was a traitor to the stars and stripes.

The time of the gentleman here expired.

Mr. KING: This does not give me any opportunity, or but slight opportunity, to refer to the arguments that have been given upon this question and the remarks that have been made since the opening of the debate. I want to say at this stage that through all of these speeches you have heard a great deal about temperance, and yet I do not know when I have seen more intemperance publicly displayed than in the argument and speeches of the two gentlemen who opened the debate this morning. I

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do not know what there is about this question that seems to instill into some people a venom so bitter that I would not suppose one of the gentlemen would in this hall, or elsewhere, even dare to take the sacred name of God or Jesus Christ.

As I undertook to explain in the opening, I believe that the prohibition of the liquor traffic, wherever tried, has been and always will be a failure in its operation. Therefore it must have regulation, and there stands the point. There must be a right to say who shall engage in that traffic, and in order to do that you must have a license, because the inhibition of our present constitution prevents the imposition of conditions upon the trafficker in intoxicating liquors; for the moment you impose those conditions the courts say it means a license system, as it does.

I have been astonished at another thing, that even able lawyers, even good judges, when called upon to construe a plain statute, or a plain proposition involving this peculiar question, will leave behind them all the legal intelligence they possess. And we have had here a letter read from a distinguished judge of a federal court. I would guarantee that in five minutes, if that matter were up before him in some litigation, he would not sustain that opinion, and for every letter that you might dig up in that way, had it been thought to be a proper method for argument, I could produce the opinion of a hundred judges on the bench to the contrary.

I deny that under Proposal No. 4 any law now in force upon the statute books, either prohibitory or regulatory, is or can be interfered with by the legislature. I deny that it prevents the enactment of future legislation along similar lines, either regulatory or prohibitory, of the local option variety. At least three men — as able judges as the one whose letter was read here — have voluntarily expressed their opinion upon that question sustaining this view. The gentleman from Huron county submitted the proposition to the resident common pleas judge in his city, an able judge and experienced lawyer, and asked him to dig into it and ascertain if he could find anywhere possible that a construction could be placed upon Proposal No. 4 that would interfere at all with the local option prohibitory legislation in the state of Ohio — with its operation or its continued operation — whenever and wherever the people of these respective districts, counties, municipalities, etc., may conclude to vote upon the subject within the period given, and he told him after careful examination there was absolutely no interference whatever with any law in Ohio, either prohibitory or regulatory in that proposal. I would stake whatever reputation I have, or can possibly expect to acquire, as a lawyer, that it does not, and that no court would so hold. I am reminded of another incident that took place in this debate in addition to the intemperance of my friends, who became so excited over this that they were willing to classify everybody who has a different opinion from theirs in almost indecent — certainly very virulent — language. My friend, the delegate from Mahoning [Mr. ANDERSON], illustrated what was otherwise a very earnest argument with an anecdote which he read from a book by Hopkins, of how a brewer, or somebody of that sort, at a convention had made a speech in which he said, in order to keep up their business, he must go out and drag in the boys and educate the appetite in

them. I asked him when that happened and he couldn't tell us. As a matter of fact, it is an old well-worn story that has done service in behalf of the Anti-Saloon League for many years. It has been exposed and denied time and time again, and the man who first uttered it was a preacher who had been unfrocked and expelled from his congregation for making too numerous love to the female members of his church. He gave the year 1874 as the time and Wirthwein's hall in the city of Columbus as the place, and that hall was not erected until 1887. That is only an illustration of the sort of things that are brought up here.

Now, gentlemen of the Convention, we approach the time when, under the rules adopted yesterday, we are to vote, first upon the substitute amendment of the delegate from Mahoning [Mr. ANDERSON], second upon the amendment of the gentleman from Defiance [Mr. WINN], third upon the amendment offered by myself, and lastly, if we last that long, upon the proposition to engross Proposal No. 151 by the member from Mahoning [Mr. ANDERSON].

If we proceed down the line, defeating these amendments — if they should be defeated one by one — and finally the Anderson proposal is engrossed, it goes upon the calendar for second reading, and so if any one of the substitutes is adopted it would place it upon the calendar for second reading. Whatever is adopted out of these proposals will go upon the calendar and be subject to amendment offered by any delegate in the Convention. It can carry two amendments and one substitute, and when they are disposed of two more amendments in rotation. Now, if all are defeated, I call your attention to the fact that by some inadvertance or mistake when the Convention adjourned on Friday last, it did not preserve the order of the committee reports, and they are buried at the bottom of a well, and that will postpone the further consideration of this question for a week or two. My understanding was, but I left the Convention before adjournment, that the order was to be preserved and the committee reports were to stand where they were.

Mr. LAMPSON: That was my understanding and I supposed it was done.

Mr. KING: Look at the order and you will find you are away down. Woman's suffrage and I don't know what else comes ahead of it. So I say it is wise to take one of these propositions as a basis upon which we can proceed with this argument, and wind up this question and by amendment fix it as we want it fixed. Now, you who want to license the liquor traffic in Ohio, I ask you to stand upon this proposition, to lay upon the table first the Anderson substitute, then the amendment and then to order the engrossment of Proposal No. 4 which I offered as an amendment, and upon that we can proceed to amend and secure from it what we want. I give fair notice that whenever there is an opportunity I shall offer as an amendment the proposal that has been printed and is now upon your desks. I do not say that is the last word, but it represents the ideas I have embraced in there at the request of my friends in this Convention, who are the friends of a license proposal, and it is intended to meet their objections and not the objections of anybody else. It does meet some I have heard urged both in debate and elsewhere by the friends of license, and unquestionably makes the proposition with reference

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to interference with other laws clear beyond doubt or dispute. So I ask you to lay on the table the first two propositions as they come up and then vote for the engrossment of Proposal No. 4, the first amendment to the Anderson Proposal No. 151.

Mr. WINN: Mr. President and Gentlemen of the Convention: I think I may best start what I have to say where Judge King left off; and that is to implore all of those members in this Convention who are free to act, who place the home above the saloon, who believe it their bounden duty to stand for the limitation of the evils of the liquor traffic, to vote for one or the other of the proposed substitutes that tends to limit the evils of traffic.

Now, let me make that plain. The proposal that has been placed upon our desk this morning, Proposal No. 4, Mr. King says is the last word the liquor interest of Ohio can offer its citizenship, and that amendment is substantially no improvement over the original No. 4. All it does is to take out the words "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." True, those were objectionable words. They were so indefinite and uncertain that no man on the floor of this Convention hall has yet been able to say what they mean, and when the author of the proposal was pushed and crowded to say what would be the legal effect if those three lines were taken out, he said "I would hate to tell you what I think about it." There is in the proposal that is intended to go into our constitution and before the people, three lines couched in such language that the author would hesitate on the floor of the Convention to tell his colleagues what he thinks about it.

Now, driven to the necessity, he comes here offering us the solace of the cutting out of those indefinite, uncertain words.

Why, gentlemen, I just want to tell you one thing right here. There has been a change since a little while back. When we went into that room of the committee on Liquor Traffic when the committee was first called together, it seemed as though the insignificant few who subscribed their names to the minority report had no right there except by the sufferance of the majority, and it was proposed that at the very first sitting of the committee there would be given but one public hearing, and that hearing to take place on the afternoon of the first day of the first meeting of the committee. It was then proposed by the majority of the committee that the committee report at once. Since then call of the roll showed that the Whisky Trust, the brewers and distillers, did not have chains on a majority of the members on the floor of this Convention. Then for the first time the majority of the committee saw fit to yield something to the rights of the minority.

And now having reached that point in the consideration of this question they hold out to us this olive branch, and what does it mean? It means that if the substitute offered by my friend from Mahoning [Mr. ANDERSON] and the one offered by the delegate addressing you now are laid upon the table, we have turned back the hands of the clock to the place where we were last Tuesday; and it is proposed that by some means, known only to those who have been crowding the corridors of this hall

the last few days, they will muster enough votes to force upon the people of this state a license proposition under which there will be no curtailment of the evils of the traffic.

"But," said my friend Judge Roehm, in discussing this question, "we have to go to the people with a mandatory license. There must be nothing left to the legislature. We can not trust the legislature to say whether or not it will enact laws of that sort," and then in the very next breath he says, "We must put no restrictions in it; leave that all to the legislature. We can trust the legislature to do all of that." Why, I say to you, and those who have been keeping pace with the history of this state know it to be true, that it is not safe to trust questions of that kind to the legislature. Some of you sat in this hall, as I did, eighteen or nineteen years ago, when one man, a distinguished citizen of this state, with the office of governor as his headquarters remained at his post until, by methods known only to him and to those who participated with him, he succeeded in passing through the senate of the general assembly the ninety-nine year franchise law. And do you think that the methods adopted by that man, who became famous because he knew how to resort to such things, do you think those methods can not be resorted to still? I see here before me a body of men capable of seeing and capable of knowing what they want in the constitution upon this question, and I shall vote to adopt the substitute offered by the delegate from Mahoning [Mr. ANDERSON]. I shall do that because it contains restrictions. I am not saying I would rather have it than the one I offer, but that cuts no figure. I would rather the word "shall" be stricken out and "may" put in, but I shall vote for it because it offers something to the people. "Oh," said the delegate from Hamilton [Mr. BOWDLE], "Those who favor the dry side are inconsistent in voting for either of those proposals, because they provide far license." That is not inconsistency. We are opposed to the liquor traffic. We are opposed to its evils. We are not opposed to men drinking. We are opposed to the open American saloon, and we would close the doors of as many of them as possible; and if, after we have concluded our work here, we can go back to the people who sent us and say we have succeeded in reducing the number of saloons to one to a thousand or one to seven hundred and fifty, then indeed we will have accomplished much.

These debates have been instructive. Never until yesterday did I know that it was beer that makes brains. I listened with attention while my friend from Cincinnati [Mr. BOWDLE] was telling us how beer had given to the world such great men as those he named. When he concluded with that beautiful story of how he attends church on Sundays and teaches a Sunday school class and then goes to a little German saloon and drinks his beer, I asked myself "I wonder if he takes the Sunday school pupils with him?" Because if it be true that beer makes brains, if it be true that beer makes greatness, he does an injustice to the little boys and little girls who have placed their destinies in his hands if he does not take them and feed them upon beer, to the end that it will make brains for them.

Now, next Sunday when you have dismissed your Sunday-school class, call the little ones across the street,

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and say, "Come here, dear children, sit down around the table" (and if it is not big enough the bartender will accommodate you), and then, getting a mug of beer for each, add, "Here, children, drink of this. It will make you great."

Standing in this presence today I must say that I am not surprised to find the delegate from Hamilton [Mr. BOWDLE] on that side of the question. Last night when one of the members was making a terrific arraignment of those who stand upon this side of the proposal, I said to myself, "How is it possible that the member from Washington can indulge in such language?" and then I turned to the constitution of the state and read that "all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience." Then I picked up Proposal No. 13 by Mr. Riley, the member from Washington, and saw where he is trying to write God out of the constitution, so I said, "He is right in speaking on that side of the question."

We are now coming to the point where the last words are to be said on this proposal, and I ask every man who puts the sanctity of his community above the open saloon to stand for one of these proposals. Let us do the best we can. Let it not be said, when we have finally concluded our deliberations and taken a vote, that we began our work on the 21st of February, concluded it at noon of the following week, and in all that time accomplished nothing.

I want to impress upon you gentlemen that when this roll is called and you answer yea or nay, as the case may be, you are giving an answer more important than any that ever came from your lips. It means more to the state; it means more to your families; it means more to your counties; it means more to your villages, and to your communities; it means more for this great state of Ohio than any vote you ever cast or ever will be called upon to cast in all your lives, and I pray as I conclude my remarks that those who believe as I do in the sanctity of the home, in the purity of the home, in the suppression of crime and vice, in the limitation of the evils of the saloon, will vote either for the proposition of the delegate from Mahoning [Mr. ANDERSON] or the other amendment, offered by me.

Mr. ANDERSON: Gentlemen of the Convention: The time for oratory, so far as I am concerned, has gone by. When I concluded my remarks yesterday that part of my duty was performed, whether well or otherwise. Now, let us see what the situation is that confronts us.

The first thing upon which you will vote, according to what I see foreshadowed, will be a motion to lay my substitute on the table. I want to say to you that that substitute is printed in the journal today and is on your desks and I wish you would read it. A motion will be made to table that. That will not be debatable and you will vote upon it. I agree with my friend Judge King, when he says you should take one of these as a basis upon which we are to work, and that we will have ample opportunity after awhile to change it. If it goes to engrossment, it means it will be printed and each line numbered, and then you can offer any amendment you please, and after that is before you this Convention can change it as a majority sees fit.

Now, the question is, and Judge King and I agree on

that, which is the best proposal to form the skeleton that can be shaped according to the views of a majority? I submit the Anderson proposal is the best because the Judge King proposal was drawn with the idea that you should not change a comma, or dot an "i" or cross a "t". Judge King's proposal was not drawn with the idea of having any amendments. Now, I don't criticise him for the bill. He admits he didn't draw it. It was drawn before the Convention met. It was drawn with the idea that there should be no change. It was drawn with the idea that there should be no restrictions; and so it is not the proper skeleton if you want to put in restrictions. If you vote all of them down, what have you done? You have marched us up the hill and marched us down again. Why not take the skeleton and if it does not suit you in all points, try to whip it into the shape you see fit?

I want to refer to what they call the bargain counter—the bargain counter, where we sell principle for political gain! Thank God, the description of men who have their principles upon the bargain counter doesn't apply to me for this reason: He said those who come from wet counties have wet principles—that is a paradox to say "wet principles"—and those who come from dry counties have dry principles. Now, I come from as wet a community as Cincinnati is ashamed of, yet I believe you can say I am dry. Therefore, I can prove that my principles were not on the bargain counter, and not only that, but if I were a candidate for congress still my principles would not be on the bargain counter for every county in the congressional district in which I live is as wet as is Mahoning county.

Now, gentlemen of the Convention, turn to the journal of today.

Article I of the so-called Anderson substitute, which will be voted on first, is practically a copy of the Fackler compromise, word for word. It is the one that Mr. Cody wanted us to vote for; it is the one that Mr. Hursh wanted us to vote for; it is the one that Mr. Donahy wanted us to vote for. Then it goes on and says: "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."

Is there any complaint about that? Do the gentlemen of Cincinnati want to permit men of bad character to go into the business? They say if we restrict to men of good, moral character, it means state-wide prohibition.

Again, "No license shall be granted for a longer period than one year." Of course nobody objects to that. Then the clause after that is the exact copy of the Brooks law, which the brewers in that sheet called "License" praised so much. All it really means is that the brewers can't be interested in a retail saloon. Now, the next restriction: "If any licensee is more than once convicted of violation of the laws in force to regulate the traffic in intoxicating liquors, the license of said licensee shall be deemed revoked, and no license shall hereafter be granted to such convicted licensee." Will that lose you any votes? Do you want the votes of men who can go in the saloon business and break the law all the time? A man can break the law once here, but he can't break it twice. The gentleman from Washington [Mr. RILEY] said a game might be fixed up on the saloonkeeper by two people going to the side and gaming.

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The only trouble with the gentleman from Washington [Mr. RILEY] is he is so much on that side that he has not read the proposal. This proposal refers to the liquor laws; it doesn't refer to any other laws.

Then this substitute goes on: "No application for license shall be granted unless the business for which license is allowed is located in the same county or adjoining county to that in which the person or persons live or reside whose duty it is to grant such license.

Objection was made to anyone sitting here in Columbus saying where the license should be granted. Some of the members from Cincinnati, Cleveland and Toledo were in favor of home rule, and the strongest argument was that you didn't want the power governing your cities at Columbus. This is home rule. We don't want the power of granting licenses in my county to be in Cleveland or Cincinnati, or located in Columbus. We believe the people at or near home, who know the people trying to get in the business, are the men who ought to say whether the license should be granted or not. Is there anything wrong about that?

Now, men, if you leave this to the next legislature, what is the situation? You will have the party lines drawn very sharply. The democrats will be on one side and the republicans on the other, both struggling for some brief advantage; both struggling—and I mean it—to try to get the liquor and brewery vote in Ohio, especially this year. Will the republicans do anything that the brewers don't want them to do? No. Will the democrats dare to do anything that the brewers don't want them to do? No. How are you going to get any restrictive license from the next legislature? Is it not much easier to put in the restrictions and regulations right here than to try to get a partisan legislature to do it for you? The only reason you don't want to do it is, it is not organic law. Let us dismiss that from our minds. There is not much difference between the two sides on this question. What is the difference? We say license shall be submitted to the people. We all agree to that. The men back of Judge King want unrestricted license, and we on this side want it reasonably restricted. That is all the difference. The men on the other side say they are in favor of restrictions, but not now. They want the legislature to make the restrictions, and that is the only difference.

In conclusion, let me say to you, vote against the tabling of this substitute offered by me. Let it be printed; let it be engrossed; let it go to the second reading, and then let us whip it into shape as the majority of the Convention sees fit.

Mr. BOWDLE: I rise to a question of personal privilege. I have taken the trouble to reduce it to writing and I will read it.

The member from Richland [Mr. KRAMER] has asserted that I said in my speech that all convictions were on the bargain counter, and he has said it in a way to carry the implication that I applauded this condition and that my views were in that condition and subject to sale.

The fact is, I spoke of this condition as a truly deplorable fact, and as one of the most doleful facts in American history, and I showed that my views on the license question had been publicly made known many years before I thought of this Convention. I said this in order to refute the presumption that my license views were recent and therefore presumably based on some ambition. I,

therefore, assert that the member from Richland has utterly misconstrued my language.

Again, the cultured member from Greene [Mr. FESS], in the oratorical climax which prefaced his argument, asserted that I had referred to the college graduates who had gone to the penitentiary as representing the finished product of the college, and that I had said that the few clergymen who had been sent to the penitentiary and to the gallows represented the finished product of the church. What I said was, that the drunkard no more represented the finished and natural product of the saloon than college men or clergymen in the penitentiary represented the finished product of the college or the church.

The eloquent gentleman from Greene has simply turned my statement about. I, of course, do not believe he intended it.

Finally, I denied this, and do so now, that there is any inconsistency in drinking a glass of beer and worshipping Him, who, in His brief ministry, made wine, drank wine, and was a friend of the publican and sinner, associating frequently with those who drank wine.

The PRESIDENT: The question before the house is on the adoption of the substitute offered by the member from Mahoning.

Mr. BOWDLE: I move that the substitute be laid on the table.

The motion was seconded.

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

Mr. JONES: Before the roll is called I desire to explain my vote.

The PRESIDENT: The gentleman is out of order. The secretary will proceed with the roll call.

The yeas and nays were taken, and resulted—yeas, 58; nays, 58, as follows.

Those who voted in the affirmative are:

Bever,	Halenkamp,	Pierce,
Bowdle,	Halfhill,	Price,
Brattain,	Harris, Hamilton,	Redington,
Brown, Lucas,	Harter, Huron,	Riley,
Brown, Pike,	Harter, Stark,	Roehm,
Cody,	Hoffman,	Shaffer,
Collett,	Hoskins,	Smith, Hamilton,
Cordes,	Hursh,	Stalter,
Davio,	Jones,	Stamm,
DeFrees,	Keller,	Stokes,
Donahey,	Kerr,	Tallman,
Doty,	King,	Tetlow,
Dunlap,	Kunkel,	Thomas,
Dwyer,	Leslie,	Ulmer,
Earnhart,	Ludey,	Weybrecht,
Fackler,	Malin,	Wise,
Farrell,	Marshall,	Worthington,
FitzSimons,	Moore,	Mr. President.
Fox,	Norris,	
Hahn,	Peck,	

Those who voted in the negative are:

Anderson,	Elson,	Kilpatrick,
Antrim,	Evans,	Knight,
Baum,	Farnsworth,	Kramer,
Beatty, Morrow,	Fess,	Lambert,
Beatty, Wood,	Fluke,	Lampson,
Brown, Highland,	Harbarger,	Leete,
Cassidy,	Harris, Ashtabula,	Longstreth,
Colton,	Henderson,	Marriott,
Crites,	Holtz,	Matthews,
Cunningham,	Johnson, Madison,	Mauck,
Dunn,	Johnson, Williams,	McClelland,
Eby,	Kehoe,	Miller, Fairfield,



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Miller, Ottawa,	Rorick,	Tannehill,
Nye,	Shaw,	Wagner,
Okey,	Smith, Geauga,	Walker,
Partington,	Solether,	Watson,
Peters,	Stevens,	Winn,
Pettit,	Stewart,	Woods.
Read,	Stilwell,	
Rockel,	Taggart,	

The roll call was verified.

The PRESIDENT: The vote being a tie the motion to table is lost. The question is now on the adoption of the substitute.

Mr. DOTY: I demand the yeas and nays on the adoption of the substitute.

The yeas and nays were taken, and resulted—yeas, 58; nays, 59, as follows:

Those who voted in the affirmative are:

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

Those who voted in the negative are:

Beyer,	Hahn,	Pierce,
Bowdle,	Halenkamp,	Price,
Brattain,	Halfhill,	Redington,
Brown, Lucas,	Harris, Hamilton,	Riley,
Brown, Pike,	Harter, Huron,	Roehm,
Cody,	Harter, Stark,	Rorick,
Collett,	Hoffman,	Shaffer,
Cordes,	Hoskins,	Smith, Hamilton,
Crosser,	Hursh,	Stalter,
Davio,	Keller,	Stamm,
DeFrees,	Kerr,	Stokes,
Donahey,	King,	Tallman,
Doty,	Kunkel,	Tetlow,
Dunlap,	Leslie,	Thomas,
Dwyer,	Ludey,	Ulmer,
Earnhart,	Malin,	Weybrecht,
Fackler,	Marshall,	Wise,
Farrell,	Moore,	Worthington,
FitzSimons,	Norris,	Mr. President.
Fox,	Peck,	

Mr. EBY (During roll call): I rise for a question of information—

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

The PRESIDENT: The point of order is well taken.

The roll call was verified.

So the substitute was lost.

The PRESIDENT: The question is on the adoption of the amendment offered by the delegate from Defiance.

Mr. PRICE: I move that that be laid on the table.

The motion was seconded.

Mr. DOTY: And the yeas and nays are demanded on that.

The yeas and nays were taken, and resulted—yeas, 61; nays, 56, as follows:

Those who voted in the affirmative are:

Beyer,	Halenkamp,	Pierce,
Bowdle,	Halfhill,	Price,
Brattain,	Harris, Hamilton,	Redington,
Brown, Lucas,	Harter, Huron,	Riley,
Brown, Pike,	Harter, Stark,	Roehm,
Cody,	Hoffman,	Shaffer,
Collett,	Hoskins,	Smith, Hamilton,
Cordes,	Hursh,	Stalter,
Crosser,	Johnson, Madison,	Stamm,
Davio,	Keller,	Stilwell,
DeFrees,	Kerr,	Stokes,
Donahey,	King,	Tallman,
Doty,	Kunkel,	Tetlow,
Dunlap,	Leslie,	Ulmer,
Dwyer,	Ludey,	Weybrecht,
Earnhart,	Malin,	Wise,
Fackler,	Marshall,	Woods,
Farrell,	Matthews,	Worthington,
FitzSimons,	Moore,	Mr. President.
Fox,	Norris,	
Hahn,	Peck,	

Those who voted in the negative are:

Anderson,	Henderson,	Partington,
Antrim,	Holtz,	Peters,
Baum,	Johnson, Williams,	Pettit,
Beatty, Morrow,	Jones,	Read,
Beatty, Wood,	Kehoe,	Rockel,
Brown, Highland,	Kilpatrick,	Rorick,
Cassidy,	Knight,	Shaw,
Colton,	Kramer,	Smith, Geauga,
Crites,	Lambert,	Solether,
Cunningham,	Lampson,	Stevens,
Dunn,	Leete,	Stewart,
Eby,	Longstreth,	Taggart,
Elson,	Marriott,	Tannehill,
Evans,	Mauck,	Thomas,
Farnsworth,	McClelland,	Wagner,
Fess,	Miller, Fairfield,	Walker,
Fluke,	Miller, Ottawa,	Watson,
Harbarger,	Nye,	Winn.
Harris, Ashtabula,	Okey,	

The roll call was verified.

So the amendment was laid on the table.

The PRESIDENT: The question now is upon the adoption of the amendment offered by the delegate from Erie [Mr. KING].

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

Mr. DOTY: I second the motion.

The yeas and nays were regularly demanded.

The yeas and nays were taken, and resulted—yeas, 67; nays, 50; as follows:

Those who voted in the affirmative are:

Anderson,	Fackler,	Lambert,
Antrim,	Farnsworth,	Lampson,
Baum,	Fess,	Leete,
Beatty, Morrow,	Fluke,	Longstreth,
Beatty, Wood,	Halenkamp,	Marriott,
Brown, Highland,	Harbarger,	Mauck,
Cassidy,	Harris, Ashtabula,	McClelland,
Cody,	Henderson,	Miller, Fairfield,
Collett,	Holtz,	Miller, Ottawa,
Colton,	Hoskins,	Norris,
Crites,	Hursh,	Nye,
Cunningham,	Johnson, Madison,	Okey,
Donahey,	Johnson, Williams,	Partington,
Dunlap,	Jones,	Peters,
Dunn,	Kehoe,	Pettit,
Eby,	Kilpatrick,	Read,
Elson,	Knight,	Rockel,
Evans,	Kramer,	Shaw,

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Smith, Geauga,	Taggart,	Watson,
Soletcher,	Tannehill,	Winn,
Stevens,	Tetlow,	Woods,
Stewart,	Wagner,	
Stilwell,	Walker,	

Those who voted in the negative are:

Beyer,	Harris, Hamilton,	Redington,
Bowdle,	Harter, Huron,	Riley,
Brattain,	Harter, Stark,	Roehm,
Brown, Lucas,	Hoffman,	Rorick,
Brown, Pike,	Keller,	Shaffer,
Cordes,	Kerr,	Smith, Hamilton,
Crosser,	King,	Stalter,
Davio,	Kunkel,	Stamm,
DeFrees,	Leslie,	Stokes,
Doty,	Ludey,	Tallman,
Dwyer,	Malin,	Thomas,
Earnhart,	Marshall,	Ulmer,
Farrell,	Matthews,	Weybrecht,
FitzSimons,	Moore,	Wise,
Fox,	Peck,	Worthington,
Hahn,	Pierce,	Mr. President.
Halfhill,	Price,	

The roll call was verified.

So the amendment of the delegate from Erie was laid upon the table.

During the calling of this roll the president relinquished the chair to Mr. Doty as president pro tem.

The PRESIDENT PRO TEM: The question is now upon the engrossment of Proposal No. 151. Is there any objection to that being engrossed. The chair hears none and it will be engrossed and read a second time and placed at the head of the calendar for Monday? What is the next thing on the calendar?

The SECRETARY: Proposal No. 13 — Mr. Riley, to submit an amendment to article I, section 7, of the constitution, relative to bill of rights. The committee recommends its indefinite postponement.

The PRESIDENT PRO TEM: The question is on the indefinite postponement. The chair recognizes the delegate from Washington [Mr RILEY].

The delegate from Washington [Mr. RILEY] made a few remarks and was interrupted by the appearance at the door of the Convention of the guest of the day, Governor Johnson, of California.

The committee appointed for that purpose escorted Governor Johnson to the platform.

The PRESIDENT: Henry Drummond used to tell of those Puritan preachers whose idea of life was that the principal business of man should be to practice dying. "But, said he, "when you die you go to the city beautiful, and what do you do there? You practice citizenship. How are you going to learn to practice citizenship in that city save by being good citizens now?"

Of all the men whose words and deeds have held up to us this noble ideal of citizenship none is higher in our esteem than the guest of this morning. I have great pleasure in presenting to the Convention Governor Johnson, of California.

#### ADDRESS OF GOVERNOR JOHNSON, OF CALIFORNIA.

Mr. Chairman and Gentlemen of the Convention: For one from the rim of the continent to address you concerning your labors, or to endeavor at all to enlighten you, would be a work of supererogation after what you listened to last week in this hall; but out of the West

has come a new race of men politically of late, a race that has been tried in the crucible, as it were, a race that has had to adopt, whether it wanted to or not, governmental policies that might restore government to those to whom it belonged, and who have adopted those governmental policies out of the travail and shame and humiliation of a political bondage that was finally broken. And out in the West, coming back particularly to the governmental policies, we who are humble exponents of the legality and policy as well, are glad to preach the faith that is within us at any time and under any circumstances.

So today I have not only accepted with pleasure, but delight, the honor you have conferred upon me in asking me to come here with the idea of preaching that faith, but in the hope—not that I can add to your store of knowledge upon any of the subjects you have been debating, but that I may confirm by some chance, or casual word perhaps, the words that are already in your hearts and heads today, and that I may if possible make a little clearer something that may be of doubt to you concerning those principles which we believe are western today, but which tomorrow, and in the near morrow will be national in this great country of ours.

Constitutions, of course, you know all about. I need not advert with you to the design of those who framed the original constitutions in this country. The historic system of checks and balances guarded against the old danger of governmental aggression, but not sufficiently against the new danger of aggression, and because that old system did not guard it sufficiently in the West against private aggression, we found it necessary that the system of checks and balances that some view with such idolatry and with such pride, should be eliminated in our constitution and we should substitute in its place what we found was the only efficacious thing to do under the circumstances, that we should indeed build upon the fundamental idea that this government belongs to all the people and should be restored to those to whom it thus belongs. And upon that fundamental principle did we attempt our work.

And by way of illustration, will you pardon my referring to the struggle from which, victorious, we have just emerged in California? It may not be unlike the struggle that confronts some of you in your locality. I know it is not unlike that which has confronted some of our eastern brothers in their states. This people are not unlike. The sentiment that exists in the East is not unlike the sentiment that exists in the West; and when I speak of the East and the West I speak of the extreme.

The great difference between the West and the East today is that in the West the people have the power of expression; in the East the politicians have the power of suppression. And that power of suppression in the East must be broken and shattered and eliminated wholly and entirely if we go forward with this government as it was originally designed to go forward and if we continue to insist that the government of the people shall not perish upon this earth.

In the West, in the city from which I come, we were confronted by a singular state of affairs for many, many years. In 1879 we adopted what was termed the new constitution in the state of California, the constitution that is yet the organic law of our commonwealth. We

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thought at that time we had safeguarded the interests both of property and humanity. We believed the great problem that then confronted our people was this one, and we believed that we had erected a bulwark between the great transcontinental railroad system on the one side and the great body of the state upon the other side, and we fondly hoped that that organic law—written with a care that I can not describe to you, and after deliberations that were as mature as yours will have been at your conclusion—we fondly hoped that we had written into that constitution such safeguards that it never would be possible for injustice to be done the whole state again as it had been done in years preceding that constitutional convention. But although we created a railroad commission by the constitution which was presumed to have plenary power over the matter in dispute between the railroad company and the people, we could not, of course, in that constitution name those who were to be the railroad commissioners or to carry it out, and so our friends, the Southern Pacific Company, who had kindly governed us for some years in the past, simply by the expedient of selecting the particular individuals who were to be the railroad commissioners to pass upon their matters, annexed that particular part of the constitution and that particular part of government as well, and they were enabled to do this because of the political system then in vogue in California, and thereafter for many years in vogue, and what obtained in our state is but a replica of what obtained in many states of this Union. The railroad boss saved us who were republicans the trouble of nominating our own candidates by nominating them himself, and then by like generosity to the democratic party he nominated their candidates and when it came to election day we had a great big, tremendous sham battle in which the state was worsted. The railroad was always victorious, and that continued until there was a ray of hope given by direct primary, and that is the first step toward popular rule, toward that fundamental principle of returning the government to the people, that we have learned in our shame and humiliation in the West. That was the first step toward the rescue from the bondage of political thralldom in which a people can be held, and when the first direct primary was accorded us we went not to a convention, not to a railroad office, not to a boss's place of business, but we went forth to the people of the state of California, in the highways and the byways and on the street corners, preaching our doctrine of political freedom. And the people then, just as they always will, when they know, responded to the right, and they determined that the state should be free and under that direct primary they made it free. Then those who had participated in that primary, with the solemnity that came from success hard earned, after so many years of travail and humiliation and shame, determined that they would not only build for today, but for the future as well, and they would make it impossible ever again that the state of California should be held in bondage and that they would make it impossible that that which had occurred in the past, the debauchery of government by a private interest, should again occur without the consent of all the people; and so building then we realized that our legislatures did not always respond to what was desired of them, that often they went wrong, that often again

they represented interests inimical to the interests of the public, that they sometimes would not pass a good law if presented to them and would sometimes pass a bad law if desired to under certain circumstances. So there we started building for the future by making it possible for the people of the state to do for themselves just exactly as they had been trusting to their agents to do—to legislate as they desired—and we gave them, just as I assume you are going to give to your people, the right of the initiative, to legislate as they may desire upon any subject. And that is the second step towards political freedom, and toward, indeed, that sort of government for which all of us, at least publicly, insist we desire to see in this country of ours. We gave the initiative as you are about to do. It must come to that as with us here because it is necessary, not, as was said last week, to destroy representative government, but to make representative government representative if you choose. There is no talismanic significance to me in the words "representative government," when applied to the legislative branch of any government in the United States, or any state in it, and we have been taught by aggression, we have been taught by suppression, we have been taught by legislative scandals that have extended from one ocean to another, that some substitute must be found for that sort of representative government, at least in some form, and the only substitute that has been yet suggested, and the only one that has yet been found to be efficacious, is the initiative followed by the referendum. Now we adopted the initiative in the state of California with various percentages. I would not hamper the initiative any more than to prevent it being used with frivolity. I would permit the people to legislate for themselves whenever they choose upon a petition signed by a reasonable number of the electorate of any state. In our state, it is true, we have required a percentage for initiative legislation and a different percentage for legislation which was to go to the legislature and a different percentage for the referendum, but to my mind it seems that the better plan would be in the adoption of the initiative that it should be founded not upon a percentage basis, but upon a fixed number of your electorate, and that that fixed number should be permitted to initiate legislation at any time it sees fit. I do not fear that this particular measure would lead you into anarchy or lead you into any radicalism to which you can not subscribe. Today it is not empirical, it is no longer an experiment in the West. Today it has been tried sufficiently to demonstrate its efficiency, and it has been tried sufficiently to demonstrate what is better still, that our people are yet able to govern themselves intelligently and well. We tried the experiment in our legislature in 1911, an experiment that had never before been tried in the state, for the very purpose of determining what interest in abstract political questions our electorate would take.

We presented twenty-three constitutional amendments, and when you talk of the referendum and the inability of the people to pass upon laws, just pause and think for a moment that they have to pass upon the highest law of all, your organic law, and they amend it subsequently by passing upon amendment after amendment, in most of the states, in amending their constitution. We presented through the legislature twenty-three constitutional

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amendments. We did not present them at a general election. It was our desire to see how our people would act on abstract governmental policies, and they were that, all of them. So we called a special election for October 10 last, at which we submitted to our people the initiative, the referendum, the recall, the railroad commission amendment, and various other matters that were written into our constitution, and it was these, the most severe tests to which you could put an electorate, thus to submit questions for the general elections, where candidacies were involved and where intense excitement existed. Now the fact was in the city of San Francisco at that election, five-sevenths of the votes that were polled in the bitterest mayoralty election ever held were polled upon those constitutional amendments, and six-sevenths of the votes that were polled in the bitterest gubernatorial race ever held, in the city of San Francisco, were cast upon those constitutional amendments. And in the state at large, because you realize our state is a thousand miles long and three hundred miles broad, with many country districts in which it is often difficult for men to get to the polls—but in the state at large, we polled two-thirds of the votes that had been cast in the gubernatorial election. That was a severe test of the people's interest in abstract problems and a severe test of their determination of those abstract problems. We have spent the last decade in reforming city charters; we are spending the present decade in reforming state constitutions. It is possible we may reform another constitution in another decade. But this is the decade of reformation of the state constitution, and there are just two rules in the matter of that reformation. The first is simplicity and the second is strength, and with simplicity, of course, we may have, and you ought to have, strength unimpaired. There are various ways by which I think constitutions might be amended that would be of little use for me to advert to, but let me call your attention to the modern trend in legislation. A governor today would hardly be worth the name who did not take an interest in legislation. The president of the United States would be the merest figurehead who did not himself endeavor in some respects to indicate policies of legislation deemed wise by him for the country. No longer is the governor the mere agent that formerly he was in many of the state constitutions. You recall that in some of the states the legislature used to elect the governor and the governor had no veto power; but gradually the governor has become more and more important, until, if he be a real governor with real purposes and a desire for accomplishment, he goes forward for that accomplishment, and he takes an interest in legislation, and he endeavors to enforce by legitimate and proper means his views. And so it has occurred to us, although we have not as yet put it in practice by any means, that we might give the governor the right to introduce bills in the legislature, providing him with expert legislative commissions that might advise him and advise as well the legislature, and thus he would occupy constitutionally the place he really occupies today of presenting certain legislation to legislatures, that bears his stamp of approval, his earmarks, and that is backed with the legitimate influence that is his, and that carries out the policy to which he may stand pledged.

I would give to the legislature as plenary power of legislation as the bill of rights of the federal constitution permits, subject always to the referendum. I would authorize liberal delegations of powers to public servants and other commissions. I would increase the power of the court to decide causes, but I would decrease their power to nullify laws. I would give to the cities and counties the largest possible home rule. We have just done that by constitutional amendment in California, and I would give—if you adopt the initiative and referendum, and the recall—I would give the judges, perhaps, long terms, but I would make them just like every other servant of the people, subject to recall by the people, and ultimately, with an efficient recall, the terms of office of other officers might be lengthened, and so, finally, with the initiative and referendum and the recall you will have fewer elections and easier ones, because necessarily with the reforms concerning which we speak the short ballot goes hand in hand, and it is essential that your ballots be made just as short as possible in order that you preserve the integrity of the particular officers. Let me offer our experience to show you one of the troubles you are going to have with the short ballot. We started with the idea that we would shorten our ballot. We had officers elected by the people such as clerk of the supreme court, and we thought it was a perfectly ridiculous idea that the people of the whole state should pass upon the qualification of the clerk of the supreme court. So we made that office appointive as well as the state printer, which had been elective before that time, and by constitutional amendment we made our railroad commissioners appointive. But when we came to eliminate the other officers in the state that ought to be appointive, and that are merely clerkships in some respects, or mere employments in others, we found we were confronted first, by the gentlemen who held those offices, who thought they had a life lien upon them, and therefore they objected to their being made appointive, or to their tenure in any way being ultimately affected, and we were met by the argument—and it was most difficult to convince our people to the contrary—that we were talking of giving the power to the people by the initiative and referendum and recall, and we were taking it away from them by shortening the ballot. The answer is familiar to every man who has thought of the short ballot, but nevertheless it is an argument you will meet by and by if you shorten the ballot, just as we met it in the legislature of California when we endeavored to shorten our ballot. What we all aim at after all is, of course, political reform, but political reform as a means of social and economic reform. Hence, if we stop short with the weapons in the hands of the people—for us to stop with merely political reform, would cure none of those things apparent to every thinking American citizen today, and would not remedy the evils that ought to be remedied, and with those evils you are familiar. I do not even touch upon them, but your political reform is sought for the purpose of reaching those evils and for the purpose of accomplishing ultimately industrial and social reform.

But first you must have political reform, and right here is presented what we have learned upon the Coast is the fundamental and radical difference between what we term progressivism in politics—and I use the term in

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no partisan sense at all—and socialism. The progressives believe in political reform as a means by which the necessary economic reforms may be accomplished. The socialist believes political reform futile and wants revolutionary economic reform. This is the fundamental difference between progressivism today and socialism, and progressivism therefore is the one bulwark which will stop the rising tide of socialism in the United States.

Now, I have spoken to you on the initiative and referendum. I take it that all of you, at least a majority of you, favor the presentation in some form, of a measure of that sort, but there is yet another thing that must be done before the restoration to the people of their government shall be complete, and that is you must be enabled—you or the people—to hold your hand firmly upon your public servants, and summarily to remove them if you desire to remove them; and so when you give to the people the right to initiate legislation and to pass upon laws pending before the legislature they should be entitled, if you go the full route of popular government, to the recall as well. We have had this struggle in our state. We have had our distinguished members of the bar—and I speak of them with the utmost respect, because for a quarter of a century I was among the number. I won't say I was among the distinguished members of the bar; I am distinguished now, perhaps, by political activity—we have had with us those who view any changes in the existing form of government, or in the existing checks and balances, as a species of anarchy that can not be tolerated in this country, and we have had throughout the length and breadth of this state every argument advanced against the initiative and referendum and against its handmaiden, the recall, that can be advanced.

The recall, adopted as we have it, has left us with certain impressions and those I desire to give you today, because, as I told you in the beginning, I am preaching the faith that is in us in the West to you now, and we have learned that the recall if it be an efficient weapon of democracy must first be made applicable to the judiciary of this country. We elect our judges, as I understand you do, every six years. In the first instance the people pass upon the qualifications of the particular candidate for judge. They determine whether he has the requisite integrity and the requisite learning and the requisite ability to sit upon the bench, and when they have determined it he takes his office. At the expiration of six years the people determine from his record whether he is a fit person to continue to sit as a judge upon the bench and it would seem to the men upon the street, would it not, that if the people had the intelligence and ability and discrimination to elect the judge today and six years from now, to pass upon his qualifications and his record and re-elect him, that in either one, two, three or four years they would have sufficient intelligence, and discrimination to pass upon whether or not he is corrupt or incompetent and ought to be recalled? Judges are but men after all. That is often forgotten. They are men just like the rest of us, sometimes quite as good and quite as often just as bad as the rest of us. But they are only men, and when in this country under our system we erect into something more than a man a mere official, then we have commenced to whittle down that which belongs to all of us

and we have erected something for worship in this country and that we never can tolerate. I respect and revere the judiciary just as I adjure you to respect and revere the judges. Respect and revere them just so long as they deserve reverence and respect, and not one moment longer. Judges in our day now do two things—they interpret the law and they make the law, and if it be proper to make any part of our government or our officials subject to recall, if it be proper to make a legislature that enacts laws subject to recall, why ought it not be just and proper to make judges who make the law subject to the recall? And when I am speaking of the recall, I am speaking of the recall pure and simple, as applicable to the individual, just as we have dared to make it in the state of California and just as we have been proud to make it in that state. Let me say to you that since the 10th of October last, when the recall was made applicable to all officers, no judge has been recalled and none has been attempted to be recalled. I think our people are better satisfied with their decisions. That has been our brief experience. The recall will make no weak judge weaker and it will make no strong judge less strong. It menaces just one kind of judge, and that is the corrupt judge, and he ought to be menaced by something. By pointing a pistol at a man you do not make him a coward; you only prove him one, and by this admonitory and premonitory weapon, the recall, in the hands of the people, pointed at the judiciary, you do not make a judge a coward. You may prove him a coward, but if you prove him a coward he has been a coward all the time and you ought to know it sometime. They say to us that by making the recall applicable to the judiciary we are leveling an insult at one branch of the government, at one of the branches designed to protect the majority against the minority, at one branch of the government indeed that has been sanctified by usage and sanctified by years of power. Not so do we insult the judiciary. We will trust the judge.

What sort of judges are these that have been described to us by those who oppose the recall, who are going to sway with every gust of popular passion and are going to render their decisions in accordance with popular will? What sort of spineless creatures are those that are thus described by the opponents of the recall that will be affected by the recall? Not the sort of judges that we know and respect. They will not be affected at all. If the other kind are the judges that are upon the bench they should be affected by the recall or by some similar weapon.

There are two kinds of judges in this land. There is a judge who sits upon the bench and who listens to the litigants and as between them determines upon the law and the facts as presented in the open forum, who knows naught except that which is presented to him in his open court room and who decides upon his conscience and upon the law and the fact. But unfortunately there is another kind of judge. There is the sort of judge who sits upon the bench and who may listen to what is brought before him, who weighs, as between the litigants, whether or not the determination he renders will be of advantage to him politically or otherwise, and who renders his decisions upon considerations such as that. The first kind of judge will never be recalled, and the second kind of judge ought to be recalled instantly,

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and ought to be removed from his office without delay. It is said of us that impeachment is the proper remedy as against the judge who does not do his duty. Impeachment is the veriest scarecrow, as Thomas Jefferson described it. It never was effective with us. I know of no state wherein it ever has been effective. And look at the logic of it! We elect to our legislature, not only our distinguished members of the bar, but our agriculturalists, our farmers, men from the shops, men from the street. We elect all kinds and conditions of men. We elected from one of our northern counties a blacksmith. He might sit on the impeachment of a judge who is brought before him in all the whirl and bustle and difficulties of a legislative session. But that blacksmith when he goes back home as a citizen has not the ability to sit on that judge as a mere citizen. That is the fashion in which our friends answer us in saying that while there should be a remedy as to the judiciary, that that remedy must be by impeachment, which is no remedy at all.

This discussion is not new, and I would not have you think so at all. The discussion is as old as the country itself. The Massachusetts constitution contains in its very first article a statement that all power resided originally in the people, and being derived from them the several magistrates and officers of government, whether legislative, executive or judicial, are at all times accountable to them. There were debates of weeks and weeks in the state of New York on making the judiciary elective, and if you read the debates that then occurred in the Empire state, you will observe every argument, every single one then made by those who opposed the elective judiciary are being made now by those who oppose the recall being made applicable to the judiciary.

In 1858 the very arguments you have heard advanced of late were advanced by Stephen A. Douglas when Lincoln criticised the Dred Scott decision. So I say the subject is not new. Don't let yourselves be frightened by alliterative bugaboos concerning what may happen. No people will recall a judge who renders a decision erroneously but honestly. No people will go into the niceties of legal determination for the purpose of recalling the judge unless back of the determination they believe there was corruption. No judge need fear as he sits upon the bench that his decisions will be determined by the masses; not at all. He will simply, if he sits there, sit there as a man and a public servant just like every other man and every other public servant, and I will not subscribe to the doctrine that the judge elected by the people is any less a public servant than any other official elected by the people.

Take the genesis of our judge. He is a lawyer first. Of course, being a lawyer he is a little abler and a little brighter and he knows a little more and can see a little further than all of the others of his fellows. We have that feeling in common, my legal friends. And so being a lawyer, he becomes a candidate for judge and submits himself to the people for their determination and cap in hand he goes among them—or many of them have in our state; I know not about yours—asking the great body of the electorate to vote for him for the particular office for which he aspires. He goes about it just like any other man, although he may keep from the hustings and the platform. Then he is elected and then he mel-

lows and he thinks what a noble people, what a discriminating people and intelligent people that has selected such an able public servant, and he feels duly grateful in that mellowing process that comes from success. Then he mounts the bench and in a week, sitting there, he is metamorphosed—in that brief period—and he looks snarlingly behind him and he sees the mob and the rabble, the same mob and rabble that put him on the bench, the same mob and rabble to which he appealed when he wanted to gratify his ambition, the same mob and rabble that elevated him at his own behest, and to which in the first blush of success he was so duly grateful. But suddenly it has become a mob and rabble! If you do not agree now and at once with certain distinguished lawyers and certain distinguished officials you are put off into the mob and rabble, and I am unable to understand just what is in this discussion that has been going on. No member of the ignorant, sodden or ill-disposed part of our electorate will be able to recall a just judge. Every community has its moiety of that sort of citizens now, but we of the West, with our optimism, with our faith in the destinies of our country, believe that the American people when any question of abstract right or wrong is up to them will determine it correctly, and we are willing to trust them, and that is the line of cleavage between us and our friends on the other side.

Now, there is another experiment that we have tried in the state of California, and that is to give to the other sex the right of suffrage. We have tried that in the state of California. Now, I am not going to make you any argument upon the subject, but I want to tell you just what has occurred since the amendment has passed, so that you may judge for yourselves. We have held to my knowledge three municipal elections since that time. One was a bitter and hotly contested election in Los Angeles. The women registered in greater proportion than the men in many districts and they voted in greater proportion than the men, and quite as intelligently, and one of the officials at Long Beach, Los Angeles, told me in two hours that he was there in an afternoon four men asked instructions as to the manner of voting and in each instance the instructions were given by women who were there.

In those three city elections they have shown intelligent discrimination and ability. I leave the subject with you. I was not an ardent advocate of woman's suffrage at the time of its adoption. I believed then, when we were submitting matters to the people, if any considerable number of our people desired to submit any particular question they were entitled to have it submitted, and so it was that without my insisting and taking sides upon the particular proposition of the submission of that amendment to our people the legislature saw fit to submit it. We will have the real test on the 14th day of May when we hold our presidential primary, another matter that goes direct to the people, and when we hold our direct primary in August.

Now just one word in conclusion. Like a great many others I am only a humble man from the Far West. I like to quote the greatest patriot we have ever had in this country. I like to refer to him because in his day, when there came a time of stress and when a decision was written by the United States supreme court that

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had to be re-written in the blood of our people—when that decision was rendered, he did not hesitate from every vantage point to denounce it and he did not hesitate to criticise the court that rendered it. I would not have you needlessly criticise courts, of course. I would not have you abuse courts under any circumstances, but if a court be corrupt, or if a court be wrong, I take it that the American citizens who do not dare to criticise that court are simply cowards. That is all. And in the time of stress to which I have referred Lincoln, quoting from Thomas Jefferson, who was also once president of the United States, said:

“Jefferson said that judges are as honest as other people and not more so, and he said, substantially, that whenever a free people should give up in absolute submission to any department of government, retaining for themselves no appeal from it, their liberties were gone.” And so we say in the West, whenever a people should give up to any department of our government their liberty, retaining no appeal, those liberties are gone, and for that reason we would make our recall applicable to all alike.

Again Lincoln said, in one of his famous debates to which I have adverted, “The people of these United States are rightfully masters of both congress and the court.” My goodness, do you realize the anarchy of that utterance! For any man to say that the people are masters of a court today is denounced by certain individuals as a species of anarchy that digs at the very roots of this government of ours. This was some sixty years ago.

The people of these United States are the rightful masters both of congress and the courts in it; moreover, the constitution should overthrow the man who perverts the constitution. To do these things we must employ instrumentalities. And we of the West, realizing from the forty years' struggle that was ours, realizing all of the time when we were thinking and fighting there for political freedom, realizing that we must control, realizing from bitter experience, too, not only with legislatures but courts as well—we have taken the instrumentalities that are at hand and the only ones at hand—the initiative, the referendum and the recall—to restore government to the people to whom it belongs.

Mr. FACKLER: I move that the Convention return a vote of thanks to Governor Johnson for his instructive address.

The motion was carried.

Mr. HARRIS, of Hamilton: I move that the address be incorporated in our proceedings.

The PRESIDENT: The address was delivered while the Convention was in session and is a part of the proceedings of this Convention without motion.

On motion of Mr. Doty a recess was taken until 2 o'clock p. m.

**AFTERNOON SESSION.**

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

The PRESIDENT: The gentleman from Washington [Mr. RILEY] has the floor, and the question is on Proposal No. 13—Mr. Riley, to submit an amendment to article I, section 7, of the constitution, relative to the bill of rights. The committee on Judiciary and Bill of

Rights recommends indefinite postponement. Shall the report of the committee be agreed to?

Mr. RILEY: If any member is interested in this matter under discussion and will turn to Proposal No. 13 in the proposal book, I will call attention to the amendment or change in the section contemplated by my proposal. At the end of the eleventh line we have added “nor shall a witness be questioned touching his religious belief, or absence thereof, to affect his credibility.” The whole sentence then would read, “No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief, nor shall a witness be questioned touching his religious belief, or absence thereof, to affect his credibility.” When the third interruption came [the appearance of Governor Johnson], I was about to call your attention to the reason why I thought it proper to introduce this proposal. Since the constitution of 1851 was adopted the case of Clinton vs. State was decided, in 1872.

One Clinton was indicted as being the keeper of a room or public resort wherein intoxicating liquors other than wine were sold in violation of the act of the general assembly, a subject we have been hearing about for a few days. At the trial before the examining court of the justice of the peace defendant was questioned concerning his religious belief and he said he didn't have any, in other words, he didn't believe in the true and ever-living God. In the trial in the common pleas court he was a witness for himself and the same question was asked him and he declared that he did have that belief. On cross-examination he was asked whether at the other trial he hadn't said he had no such belief, and it is that matter that is commented on by the court and makes it a mooted question at least whether it is proper while the constitution says that a want of religious belief would not disqualify a witness from testifying. The question is whether he shall be questioned on his religious belief to affect his credibility; in other words, to put the case in such a situation that the court might be asked to instruct the jury that they should weigh his testimony and make that a test of his credibility—put him in a position where they could believe or disbelieve him. We think that should not be done; because we should protect the witness as well as the suitor. Suppose any member of this Convention had a case in court and has a neighbor by whom he can prove his case. He introduces the witness. The two litigants might differ about the testimony, but the plaintiff in the case has a witness whom he introduces. He proves that the contract in dispute was as he contends. If upon cross-examination the credibility of that witness can be shaken or affected by reason of his religious belief or want of it, the plaintiff will suffer. The court would instruct the jury that they might regard the statement of the witness as affecting his credibility, and some jurors in the villages and in the country might think it a horrible thing to believe a man who does not believe in the orthodox religion, and they might have the feeling I expressed the other day that I had known agnostics that were as credible as anybody I had ever seen on the witness stand. You would not like to lose your case by reason of the fact that the witness' credibility was shaken by his belief or want of belief. That is all there is to that question.

## Bill of Rights — Reconsideration of Proposal No. 54.

Now there is this thing further about the proposal. If you look at the proposal there is another thing that we are trying to take out. The present constitution says: "No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship against his consent." I think that those words "against his consent" should be stricken out and that they ought not to be in the constitution, and if the committee's report is rejected I will promise to have it amended by taking out these words. I think I have said all I need to say about this.

I might call your attention to one clause in the decision in the case of Clinton vs. State. The court said:

Section 7 of the bill of rights declares, among other things: "No religious test shall be required as a qualification for office; nor shall any person be incompetent to be a witness on account of his religious belief, but nothing herein shall be construed to dispense with oaths and affirmations."

This provision of the constitution recognizes and guarantees unqualified liberty of religious faith. But in doing so recognizes the necessity, to the proper administration of law and justice, that all witnesses must testify under the obligations of an oath or affirmation. It then becomes proper to inquire what moral and religious condition will qualify a person to take the oath or obligation of a witness; for, since oaths and affirmations cannot be dispensed with in the due administration of law, the recognized legal, moral and religious qualifications of the person to take the necessary oath, when qualified in that manner, can no more be dispensed with than the oath itself. The obligation is to be so administered as to more certainly bind the conscience.

That was so in that particular case because he could not be contradicted on the question, so that is all there is to that.

Mr. PECK: Perhaps it may be well to explain for the moment the attitude of the Judiciary committee on this proposal.

We did not think that the change applying to the words "Almighty God" should be made. We didn't think it was necessary. The committee did not believe in tinkering with the constitution, changing the constitution, unless there was a good substantial reason for it. There certainly wasn't any use of tinkering with the verbiage of this section, and that among other reasons led us to decline to make this change. It is well enough as it stands. In fact section 7 of the bill of rights is perhaps as good a statement of the American doctrine of religious liberty as has ever been made, and every time I read it I am proud of our ancestors.

Now the gentleman proposes to add that no man should be questioned about his religious belief. You never can tell what is necessary in the administration of justice. I can only say that I think that question ought to be left—and can be safely left—to the legislature, which has pretty full power over those matters and over the courts. In a practice of a good many years I have never heard of any abuse of the right to examine or cross-examine on that subject and I appeal to the

members of the bar around me to know if they have. No judge worthy of his position would permit anything of the kind. I do not think it is a matter we should stop a moment on, and I do not think we should make any attempt to amend that splendid section 7 of our constitution.

Mr. RILEY: Just a minute. On the question of taking out those words "Almighty God" I beg to call your attention to the preamble, which starts out with "We the people of the state of Ohio, grateful to Almighty God." That recognizes God. In section 7 it occurs again. Now what is the use of repetition? It was put in section 7 in the first constitution, which had no preamble, and was entirely proper, but when the preamble was added and those words "Almighty God" put in there, they were no longer necessary in this section.

The chairman of the Judiciary committee said that in his experience he never heard that abused. Right here is a case which shows it was abused, Clinton vs. State, from which I just read.

Mr. COLTON: I commend the good sense of the Judiciary committee and the course it has taken concerning the several propositions which involve additions to or subtractions from the present constitution which refer to either the Deity or religious matters. It seems to me it is a very dangerous thing to be adding to or subtracting from the constitution in those matters. We shall start discussion which would be very much lamented. The people might want explanations why the change had been made. I think the more things that can be left just as they are the better. Any new words put in must require explanation. I have made inquiry and it is very seldom that an attorney seeks to take advantage of anything like this. An attorney who would resort to it generally greatly prejudices his case in the eyes of the jury and the judge. There are practically no evils and I think we should stand by the committee.

The PRESIDENT: The question is on the indefinite postponement of the proposal of the gentleman from Washington.

The motion to postpone was carried.

Mr. Lampson here took the chair as president pro tem.

The PRESIDENT PRO TEM: The next thing on the calendar is a motion by Mr. Worthington, who moves that the vote by which Proposal No. 54—Mr. Elson, was passed, be now reconsidered. The question now is, Shall the motion be agreed to?

Mr. WORTHINGTON: My purpose in moving the reconsideration was not to ask the Convention to reconsider the wisdom of the action which it had taken as far as it did take action, but I did not think the committee had gone quite far enough in their recommendations and I had certain other ideas that I wanted to submit to the committee and I have submitted those ideas to them. But I want to say if they don't approve of what I have said to them, and are not willing to report it to the house, I would like the motion to reconsider to be dropped or overruled without protest on my part. So that I now ask the house to recall the proposal from the committee on Arrangement and Phraseology, and if that shall be done I shall ask that this matter of reconsideration be postponed until next Monday.

Mr. PECK: Judge Worthington explained his ideas



## Woman's Suffrage — Abolition of Justices of the Peace in Certain Cities.

to the committee the other evening, and the committee by a large majority voted that they did not want to accept his proposition, and therefore the committee insists upon the record standing as it is without any reconsideration of the motion or any recall of the proposal from the committee.

Mr. ELSON: For my part I would be very glad to have it recalled from the fact that I should like to offer an amendment to it.

Mr. WORTHINGTON: I was not aware of the action of the Judiciary committee, and in view of that action I have no desire to press the matter further.

The PRESIDENT PRO TEM: The gentleman from Hamilton withdraws his motion and there is nothing before the house.

Mr. JONES: I would like to know what the proposition is?

The PRESIDENT PRO TEM: The motion was withdrawn and the matter is not before the house. The matter now before the house is Proposal No. 91—Mr. Kilpatrick, relative to equal suffrage. The committee recommends passage as amended. The minority report recommends indefinite postponement. The question is, Shall the minority report be agreed to?

Mr. KILPATRICK: This proposal was before the committee on Equal Suffrage and was considered by it, and when the vote was taken on the bringing of this bill back before the Convention the vote stood twenty to one. That is, twenty of the members of the committee were in favor of the proposition now before the house. One member voted in the negative and sent out before the Convention a minority report which was, in substance, that the majority report be indefinitely postponed. It is not the desire on the part of the committee, nor do I think it is a desire of any of us, to at this time precipitate a debate upon this question. The question which is now before the house is as to the adoption of the minority report, or what shall be done with the minority report. I would suggest on behalf of the committee, so far as we are personally concerned, that this minority report be voted down, and then when the question comes up for passage before the house then at that time we will have a debate upon the question. Therefore I would respectfully request the members of the Convention to vote down the minority report and then when it comes to the proposition to engross we can take up the entire question in its regular order.

Mr. MARSHALL: Whether I am in order or not I wish to say to this Convention I would rather say what I had to say right now. I am the one who made the minority report. If it meets the approbation of the Convention I would like to discuss the matter now, and I can do it just as well as at some later time, but as there seems to be a desire to postpone I will move to postpone the hearing of this until the proper time when we can hear the minority report, so that we won't be picked up on the spur of the moment.

Mr. PECK: I move to lay the motion to postpone on the table.

The PRESIDENT PRO TEM: Would it not be just as well to take the matter up on the second reading as to move to indefinitely postpone? Why not adopt the report of the committee and let the report of the majority of the committee be engrossed and go upon the calendar

for a second reading and then when it comes up the whole matter can be taken up?

Mr. PECK: It seems to me that everything operates for delay. It seems that all the rules we have tend to delay. We never have any prompt action on anything. I insist that we can dispose of that minority report right here in a few minutes. The minority report is nothing but the idea or opinion of one individual who has sent a report in here.

Mr. WOODS: I think we have talked enough about the matter, and I therefore, to settle it, move to lay the minority report on the table.

The motion was carried.

The PRESIDENT PRO TEM: The question now is upon the adoption of the report of the majority.

The report was adopted.

The PRESIDENT PRO TEM: Without objection it will be ordered engrossed and placed upon the calendar for a second reading.

Mr. KILPATRICK: At this time I would like to move that this bill which has been engrossed be placed upon the calendar where it would have been had the minority report not been tacked on to it. The reason for doing that is to avoid delay. This proposal ought to be just where it should have been but for that minority report.

Mr. PECK: It is now at the head of the calendar.

The PRESIDENT: Under the rules all that is necessary is that it retain its position on the calendar. Do you make that motion.

Mr. KILPATRICK: Yes.

The PRESIDENT PRO TEM: The gentleman moves that this matter retain its present position on the calendar.

The motion was carried.

On motion of Mr. Stokes the committee on Legislative and Executive Departments was relieved of further consideration of Proposal No. 23—Mr. Walker, and the proposal was referred to the committee on Miscellaneous Subjects.

Mr. MILLER, of Fairfield: A paper has just been handed me and I find that my character has been assailed by this sheet known as the Liberal Advocate. I find that I have been given the distinction, by this so-called paper, of having two of the most interesting proposals that have yet been presented to the Constitutional Convention. It is also stated in this same sheet that there has been a big organization formed to fight these two proposals I have introduced here, and I protest against any more liberal organizations being formed in the state of Ohio.

The PRESIDENT PRO TEM: The next thing on the calendar is Proposal No. 100—Mr. Fackler.

The proposal was read the second time.

Mr. FACKLER: In order that you may understand just what this proposal accomplishes I will say that as the courts are now constituted it would have no effect outside of the city of Cleveland. In the city of Cleveland one of the abuses which we found is the abuse of the attachment process by country justices. A man is elected justice of the peace in a rural township and he opens an office in the city. He runs that office usually in connection with some collection agency, and for almost every cause he will issue an attachment against

Abolition of Justices of the Peace in Certain Cities—Initiative and Referendum.

the wages of men, and it has gotten to be a source of great oppression on a poorer class of people. In order to meet that abuse, as well as to relieve the crowded docket of our common pleas courts, there has been established in the city of Cleveland municipal courts which have jurisdiction of all cases in which justices of the peace have jurisdiction, but also have jurisdiction of civil cases of a larger amount. The salaries of the men in those courts are \$4,500, and so a much better class of men are selected as judges of those courts than are selected as justices of the peace, even in the city of Cleveland. With the present agitation against our courts and our judicial system it is important to have courts with which the people come in contact so organized as to command the utmost respect, and I do not believe that much can be engendered in the minds of our working people who come in contact with the country justice practicing in a large city. Under this proposal it would not affect any of the courts in any of the smaller counties; but we have a great evil up in our city—and I suppose Cincinnati has it, too—of a country justice practicing in the city. Every time a case is filed the lawyers or collection agency will make an affidavit for an attachment, and the dissolving of the attachment doesn't take the jurisdiction away from the country justice because our courts have held that even though an attachment is dissolved the justice can continue with the case and decide it. So the attachment is used for their purposes, and men are arrested in large cities and hauled before the justice of the peace, and finally a settlement is reached when the man should not have been subjected to arrest at all for debt. I don't believe it is necessary to go into detail on this matter. This proposal as recommended will accelerate business and prevent abuse. That there is an abuse has been recognized by various proposals that have been introduced. One proposal I remember was introduced and provided that no justice of the peace should have jurisdiction outside of the township in which he was elected. Of course objection was made to that because in some townships it is necessary for the justices of the peace to have jurisdiction other than in that township. Why, some of the justices of the peace in Cleveland make as much as eight and ten thousand dollars a year. They issue twenty-five or thirty attachments in a day, and they get four dollars and eighty cents in each case. Recently a case came to our office. A boy working at one of the foundries had his wages attached and he was not able to draw any payment for two months and it was on a claim for eleven dollars and there were twenty-four dollars costs. There is nothing that will create in the minds of a poor class of people a greater contempt for a whole system of government than such things as that being allowed. This will stop it.

The question being "Shall the proposal pass?" The yeas and nays were taken, and resulted—yeas 89, nays 1, as follows:

Those who voted in the affirmative are:

- |                 |                  |             |
|-----------------|------------------|-------------|
| Anderson,       | Brown, Highland, | Crosser,    |
| Antrim,         | Brown, Pike,     | Cunningham, |
| Baum,           | Cassidy,         | DeFrees,    |
| Beatty, Morrow, | Cody,            | Donahey,    |
| Beatty, Wood,   | Collett,         | Doty,       |
| Bowdle,         | Colton,          | Dunn,       |
| Brattain,       | Crites,          | Dwyer,      |

- |                    |                    |                |
|--------------------|--------------------|----------------|
| Earnhart,          | Lambert,           | Rorick,        |
| Elson,             | Lampson,           | Shaffer,       |
| Fackler,           | Longstreth,        | Smith, Geauga, |
| Fess,              | Ludey,             | Solether,      |
| Fox,               | Marriott,          | Stevens,       |
| Hahn,              | Marshall,          | Stewart,       |
| Halenkamp,         | Matthews,          | Stilwell,      |
| Halfhill,          | Mauck,             | Stokes,        |
| Harbarger,         | Miller, Fairfield, | Taggart,       |
| Harris, Hamilton,  | Miller, Ottawa,    | Tallman,       |
| Holtz,             | Moore,             | Tannehill,     |
| Hursh,             | Norris,            | Tetlow,        |
| Johnson, Madison,  | Okey,              | Thomas,        |
| Johnson, Williams, | Partington,        | Wagner,        |
| Jones,             | Peck,              | Walker,        |
| Kehoe,             | Peters,            | Watson,        |
| Keller,            | Pettit,            | Weybrecht,     |
| Kerr,              | Pierce,            | Winn,          |
| Kilpatrick,        | Price,             | Wise,          |
| King,              | Read,              | Woods,         |
| Knight,            | Riley,             | Worthington,   |
| Kramer,            | Rockel,            | Mr. President. |
| Kunkel,            | Roehm,             |                |

Mr. Davio voted in the negative.

Mr. Doty demanded the verification of the roll call, which was duly made.

Mr. CROSSER: I would like to ask unanimous consent of the house to offer a report of the committee on Initiative and Referendum, for this reason: I would like to catch the next train and this matter will be reached anyhow in a few minutes. This report is signed by a majority of the committee, but not with the idea of their being bound by it. We simply want to print it so that all the members can examine it. Mr. Halfhill and several other members have signed it with the understanding that they are not bound by it.

The PRESIDENT PRO TEM: Is there any objection?

Mr. DOTY: Does the report recommend the adoption of anything?

Mr. CROSSER: Yes.

Mr. HALFHILL: What does the gentleman from Cuyahoga [Mr. Doty] mean?

Mr. DOTY: I wanted to know if there were any amendments coming in.

Mr. HALFHILL: There is nothing concealed about it, is there?

Mr. CROSSER: I assure you there is not. I don't know of anything.

Mr. HALFHILL: I am glad to have that assurance.

Mr. DOTY: Is it understood that the report is a report?

Mr. EVANS: I am opposed to that report, but I signed it simply for the purpose of the printing.

The PRESIDENT PRO TEM: The delegate in the chair wants to state that he signed it for the purpose of allowing it to be printed and is not to be bound by it.

If there is no objection we will omit the reading since it is done for the purpose of securing the printing.

The report as submitted is as follows:

The standing committee on Initiative and Referendum to which was referred Proposal No. 2—Mr. Crosser, having had the same under consideration, reports it back with the following amendments, and recommends its passage when so amended:

## Initiative and Referendum.

Strike out all after the resolving clause and substitute the following:

## ARTICLE II.

SECTION I. The legislative power of this state shall be vested in a general assembly consisting of a senate and house of representatives but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same at the polls independent of the general assembly, and also reserve the power, at their own option, to adopt or reject any law, item, section or part thereof, passed by the general assembly.

SECTION I-a. INITIATIVE. The first aforesaid power reserved by the people is designated the initiative, and the signatures of not more than eight percentum of the voters shall be required upon a petition to propose any law, and of not more than twelve percentum upon a petition to propose an amendment to the constitution.

When there shall have been presented to the secretary of state a petition signed by the aforesaid required number of voters and verified as herein provided, proposing a law or an amendment to the constitution the full text of which proposed law or amendment to the constitution shall have been set forth in such petition, the secretary of state, shall submit for the approval or rejection of the voters the proposed law or amendment to the constitution in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ninety days after the presentation of such petition. All such initiative petitions, last above described, shall have printed across the top thereof, in the case of proposed laws, the following: "Law proposed by initiative petition to be submitted directly to the voters." Or, in case of proposed amendment to the constitution: "Amendment to the constitution proposed by initiative petition to be submitted directly to the voters."

SECTION I-aa. When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been presented to the secretary of state a petition signed by four percentum of the voters and verified as herein provided, proposing a law or amendment to the constitution the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. The proposed law or proposed amendment to the constitution shall be either approved or rejected without change or amendment by the general assembly, within sixty days from the time it is received by the general assembly. If any such law proposed by petition shall be approved by the general assembly it shall be subject to the referendum as herein provided. If any such amendment to the constitution proposed by petition shall be approved by the general assembly it shall be submitted to the voters. If any law or constitutional amendment so petitioned for be rejected, or if no

action be taken thereon by the general assembly within such sixty days, the secretary of state shall submit the same to the people for approval or rejection at the next regular or general election in any year. The general assembly may decline or refuse to pass any such proposed law or constitutional amendment and adopt a different and competing one on the same subject, and in such event both the proposed and competing law or both the proposed and competing constitutional amendment shall be submitted by the secretary of state to the voters for approval or rejection at the next regular or general election in any year.

All such initiative petitions, last above described, shall have printed across the top thereof in the case of proposed laws, the following: "Law proposed by initiative petition to be first submitted to the general assembly," or in case of proposed amendments to the the constitution, "Amendment to the constitution proposed by initiative petition to be first submitted to the general assembly."

Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the voters.

Any proposed law or amendment to the constitution submitted to the voters as provided in section I-a and section I-aa, shall go into effect when approved by a majority of those voting upon the same, and shall be published in the same manner as acts of the general assembly.

If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the voters shall be subject to the veto power of the governor.

SECTION I-b. REFERENDUM. The second aforesaid power reserved by the people is designated the referendum, and the signatures of not more than six per centum of the voters shall be required upon a petition to order the submission to the voters of the state for their approval or rejection of any law ,or any item, section or part of any law passed by the general assembly.

No law passed by the general assembly shall go into effect until ninety days after the final adjournment of the session of the general assembly which passed the same, except as herein provided.

When a petition, signed by six per centum of the voters of the state and verified as herein provided, shall have been presented to the secretary of state within ninety days after the final adjournment of the session of the general assembly which passed the law, ordering that any law or any item, section or part of any law, be submitted to the voters of the state for their approval or rejection, the secretary of state shall submit to the voters of the state for their approval or rejection,

## Initiative and Referendum.

such law, or any item, section or part of any such law, in the manner herein provided, at the next succeeding regular or general election in any year occurring at a time subsequent to thirty days after the filing of such petition, and no such law or any item, section or part of any such law, shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against any item, section or part of any law, the remainder shall not thereby be prevented or delayed from going into effect.

SECTION I-c. Emergency Measures. Acts providing for tax levies, appropriations for the current expenses of the state and other emergency measures necessary for the immediate preservation of the public peace, health or safety, if the same upon a yea and nay vote shall receive the vote of three-fourths of all the members elected to each branch of the general assembly, shall go into immediate effect, but the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll-call thereon.

A referendum petition may be filed upon any such emergency law in the same manner as upon other laws, but such law shall nevertheless remain in effect until the same shall have been voted upon, and if it shall then be rejected by a majority of those voting upon such law, it shall thereafter cease to be a law.

SECTION I-d. LOCAL INITIATIVE AND REFERENDUM. The initiative and referendum powers of the people are hereby further reserved to the voters of each city, village, county, township, school district or other political subdivision of the state to be exercised in the manner to be provided by law.

SECTION I-e. GENERAL PROVISIONS. Any initiative or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law or the proposed law or proposed amendment to the constitution. Each signer of any initiative or referendum petition shall also place thereon after his name, his place of residence. Each part of such petition shall have attached thereto the affidavit of the person soliciting the signatures to the same, stating that each of the signatures attached to such part was made in his presence, and that to the best of his knowledge and belief each signature to such part is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures in accordance with the provisions hereof shall be verified free of charge by any officer authorized to administer oaths.

The petition and signatures upon such petitions, so verified, shall be presumed to be in all respects sufficient, unless not later than fifteen days before election, it shall be otherwise proven and in such event ten days shall be allowed for the filing of

additional signatures to such petition, and no law or amendment to the constitution submitted to the voters by initiative petition and receiving an affirmative majority of the votes cast thereon shall ever be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same shall have been procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency.

One-half of the total number of counties of the state shall each be required to furnish the signatures of voters equal in number to one-half of the designated percentage of the voters of such county, upon all initiative or referendum petitions provided for in any of the sections of this article.

A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law submitted to the voters by referendum petition may be named in such petition and the arguments or explanations, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same; the person or persons who prepare the argument or explanation, or both, for the law submitted to the voters by referendum petition, or for any competing law or competing amendment to the constitution or against any law submitted by initiative petition, shall be named by the general assembly, if in session, and if not in session, then by the governor.

The secretary of state shall have printed the law or proposed law or proposed amendment to the constitution together with the arguments and explanations not exceeding a total of three hundred words for each of the same, and also the arguments and explanations not exceeding a total of three hundred words against each of the same, and shall mail or otherwise distribute a copy of such law or proposed law or proposed amendment to the constitution together with such arguments and explanations for and against the same to each of the voters of the state, as far as reasonably possible. The secretary of state shall cause to be placed upon the official ballots the title of any such law or proposed law or proposed amendment to the constitution to be submitted, and shall cause the ballots to be so printed as to permit an affirmative or negative vote upon each law or proposed law or proposed amendment to the constitution.

The style of all laws shall be "Be it enacted by the people of the state of Ohio," and of all constitutional amendments, "Be it resolved by the people of the state of Ohio."

The foregoing sections of this article shall be self-executing, but legislation may be enacted to facilitate their operation, but in no way limiting or restricting either their provisions or the power therein.

## Initiative and Referendum—Resolution Relative to Submission of Amendments.

The question being on agreeing to the committee report, the same was agreed to.

Mr. CROSSER: I now move that a thousand extra copies be printed for distribution.

The PRESIDENT PRO TEM: If there is no objection the order for a thousand extra copies will be made and the proposal will be engrossed. The next order of business is Proposal No. 16—Mr. Elson, which the secretary will read.

Mr. ELSON: I am very much interested in this, but I am not ready to make an extended talk on it at this time.

Mr. DOTY: Then if the gentleman prefers to have it postponed, I move that further consideration be postponed until tomorrow and that it be placed on the calendar at the same place it now occupies on today's calendar.

The motion was seconded.

Mr. FACKLER: We haven't a session tomorrow.

Mr. DOTY: I have explained time and time again that tomorrow means the next day in a legislative body.

The motion to postpone was carried.

The PRESIDENT PRO TEM: The next matter on the calendar is Proposal No. 61—Mr. Miller, of Crawford.

Mr. DOTY: The gentleman doesn't seem to be here and I move that we informally pass that.

The motion was carried.

The PRESIDENT PRO TEM: The next subject is Resolution No. 62—Mr. Winn.

The resolution was read by the secretary as follows:

The standing committee on Rules, to which was referred Resolution No. 62—Mr. Winn, having had the same under consideration, reports it back with the following amendments, and recommends its adoption when so amended:

Strike out all after the word "Resolved," and insert the following: "That it is the policy of this Convention to submit all of the proposals which shall pass, to the electors in the form of separate amendments to the present constitution."

And strike out all the preamble.

Mr. WINN: Mr. President and Gentlemen of the Convention: If you will turn to the first page of the journal of February 21 you will find this substitute resolution. It was reported by the Rules committee, and while it is very desirable that every member of the Convention should be in his seat when it is considered still we had better proceed with it now.

Mr. PECK: How would it do to postpone it two weeks?

Mr. WINN: I desired to speak just long enough to ascertain how many were in a hurry to get away. There seems to be a good many in that position, and I am somewhat in the same fix myself, so if I am permitted I will move that the further consideration of the resolution be postponed until tomorrow and that it retain its place upon the calendar.

Mr. JONES: I think that is too early to consider the matter involved in this resolution. I agree with the suggestion of Judge Peck, made a few moments ago. We can not intelligently tell how we ought to submit the work of this Convention until that work is done. We

can not say in advance whether all of these propositions we agree upon should be submitted separately or not. We have just had an example, something done this afternoon in reference to an amendment, which I do not think any member of the Convention would think should be submitted separately. Doubtless there will be many amendments or propositions of that kind, but there will also be some that a great many of us will desire to have submitted separately. We ought not determine this matter until we see what we have agreed on as part of the constitution. The proper thing I think is to leave it to the end of the work, and then determine the matter.

Mr. DOTY: The remarks of the member remind me of a man who tried to build a house and he wanted to wait until he got all of his material right there before he started. Do you think one would want to know exactly what kind of a house the finished house would be before he began taking any materials for the foundation? It seems to me that we are going to have a very much better understanding and consideration of these matters as they come up, if we understand in advance how they are going to be submitted. If we understand that everything we pass must be submitted to the people, it may have some effect on passing some things. Now, does anyone for a moment suppose that anybody in this Convention would favor a separate submission of this matter in reference to the justices of the peace.

A DELEGATE: I would.

Mr. DOTY: Well, there is one.

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

Mr. DOTY: Yes.

Mr. JONES: If this resolution is adopted, it binds us to the submission of every proposal that is passed—

Mr. DOTY: The member is not asking any question but is making an argument. I am glad he did. It calls to my mind this fact, that when it comes to the third reading, if we have adopted anything that is not of sufficient importance to go in the separate submissions to the people, we can take care of that sort of thing at the third reading, and it might be there are some things that we would not be in favor of passing at all if it had to be submitted separately under the rule.

Mr. PECK: Then you would sacrifice principles to your rule?

Mr. DOTY: It might be that the Convention by a majority vote would do that.

Mr. PECK: We want to know what you are going to do before we do anything.

Mr. DOTY: I think we ought to know how we are going to do. A postponement of two weeks will result in this: It will be put upon the calendar for a day and that means everything before it on the calendar at that time is considered first. Everything that has not been disposed of will be ahead of this resolution, and when we come up to it, it will be three weeks away at that time. The motion to postpone as made now would result in three or four or five-weeks' postponement. It is perfectly preposterous to have our program put off that far. It ought to be decided on now. The program ought to be decided or rejected, so that we can know what is going to be done.

Mr. RILEY: Can you form any idea as to how

## Resolution Relative to Submission of Amendments.

many proposals the Convention will likely desire to submit to the people?

Mr. DOTY: If the member will allow me, that is a good deal like asking what the size of a stone is.

Mr. RILEY: There are a hundred and seventy-nine proposals printed, covering almost every section of the constitution. Is it wise, without having any idea how many proposals will be adopted, to determine the matter of submitting them?

Mr. DOTY: We are not proposing to decide that at this time.

Mr. PECK: It may not come up next Monday.

Mr. DOTY: It does seem strange that members will be around this house for eight weeks and not know how a calendar is made up. It is the easiest proposition in the world to understand. If you put a matter on the calendar for tomorrow, it is put there, and we start at the top of the calendar and go on down and it may take two weeks to get to it.

Mr. PECK: And it may take two hours.

Mr. DOTY: Yes, but it may take three weeks. We have woman's suffrage ahead of it.

Mr. WOODS: A point of order. The gentleman is not talking about any question before the house.

Mr. DOTY: In the judgment of the member doing the talking, he is talking about a matter before the house, and of the member from Medina [Mr. WOODS] doesn't care to listen he can simply bob up and make a point of order at any time on something he doesn't know anything about. That is his privilege. I was talking about the advisability of postponing this until tomorrow instead of two weeks.

Mr. HALFHILL: With reference to this motion I disagree entirely with the member from Cuyahoga [Mr. DORY] in his remarks just made on this question. I think this resolution is something that must give pause to everybody who has looked at it and everybody who has thought about what this Convention is called together for. It may be possible when we get far enough along with the deliberations of the Convention to know what we have accomplished that this resolution will suggest to us the best way to submit these amendments, but if it does do that I want to call your attention to the fact that you are doing no more here than the legislature would do, and if you get the amendment into such shape that you are not as a Constitutional Convention doing any more than an ordinary legislature will do, it may be we have altogether missed the purpose for which we came here. I know some of these questions ought to be submitted on the outside, at least I think I know that. I believe it is generally conceded that the vexed liquor question which we have been discussing here, and which will be a vexed question in any form on which we determine, ought to be submitted outside of the regular work of this Convention, because otherwise we might put something into the body of the constitution and have the whole thing pulled under, as has happened heretofore, because of misunderstandings upon the principles of fundamental legislation governing the liquor question. I have heard it said as to woman's suffrage, "Oh, yes; we will let that go out as a referendum and let it be voted on. That is an easy way to dispose of it." That is one feature of the referendum that makes cowards out of legislators. They will pass

anything and let it be voted on. It may be charged that we should take the responsibility of reporting it with the stamp of our approval on it, and it may be said to be a funny thing that one hundred and nineteen men should be selected in Ohio to alter and amend the constitution and that it is not possible for a majority of them to set the seal of approval on what they devise, alter or amend, and if they do set that seal they won't put it in the constitution. That is the question on which we should have time, and we should have all the time between now and the time it is necessary to thus act. At that time what has transpired may lead us to a different conclusion. If we pass this resolution now it will not be so binding that we can not change it, but it might embarrass us. I think it best to pass this resolution and then, when we approach the end of our labors, if we want to change it we can do so. That is a very important question and I believe delay is necessary in order to meet the proper solution of it.

Mr. BROWN, of Highland: I believe this is a very important question, too, and I agree with the gentleman from Fayette [Mr. JONES] when he says it would be difficult for us to fix a specific plan now in view of the uncertainty of the number of things that we may wish to put in the constitution. He fears we may have a great number of things which will burden the constitution if they are all submitted separately, but I think this matter ought to be submitted now with the view of committing ourselves to the principle of submission separately. If we put it off until tomorrow it means we will get to it in the regular order of business in a few days. All of us feel we would like to know the sense of the Convention, whether we expect to incorporate all the things we do in the body of the constitution and then run the risk of the submission to the people, or whether we will commit ourselves to the principle of separate submission and leave it tentatively adopted. We might put a great many of the smaller things, about which very little interest is felt, in the body of the constitution and leave only the important large subjects to be passed on by the people. Now is the time, I think, to decide how the work shall be submitted—whether it shall all go in the constitution, whether it shall be submitted separately, or whether the smaller matters shall go in the constitution and only the important ones be submitted separately. We ought to know about this because it will have an important effect on determining our future matters.

Mr. HARRIS, of Hamilton: I understand the effect of adopting the resolution would be, if this Convention, after mature consideration and deliberation, concludes to recommend some proposal such as that by the delegate from Cuyahoga [Mr. FACKLER], and adopts it, it might find it necessary to reverse itself absolutely, not because there was any particular lack of merit in the proposal, but because on account of some other matter it would not be wise to include that proposal in the list of amendments. In my judgment such action as that would be most unwise, and I trust the resolution will not be adopted.

Mr. DOTY: I will correct the gentleman. There is no question of adopting the resolution. I have not made any such motion. The motion before the house

## Resolution Relative to Submission of Amendments—Question of Personal Privilege.

is to postpone it and let it keep its place on the calendar. Nobody is trying to adopt it now.

Mr. WINN: I want to get before the Convention the real matter under discussion. It is not the adoption of the resolution. I believe the resolution should have been adopted the first week of our meeting, but that is neither here nor there. The question now is, shall the consideration of this resolution be postponed until tomorrow, retaining its place on the calendar, which means it won't be reached for a week or ten days? When it is reached, if it is deemed too early to decide upon it then, it can be postponed until another day. I have no disposition to urge it for consideration in advance of the time when it should be carefully considered and rejected or adopted, but I would dislike having it postponed for two weeks and then in two weeks we would have a crowded calendar ahead of it, which means it will not be reached for several more weeks.

Mr. PECK: I move to amend the motion that we postpone one week.

Mr. DOTY: A point of order.

The PRESIDENT PRO TEM: State the point.

Mr. DOTY: When two times—I withdraw the point.

The PRESIDENT PRO TEM: The motion is on the motion of the gentleman from Hamilton [Mr. PECK] to postpone for one week.

Mr. SMITH, of Hamilton: One week will bring it to Thursday, and we will be in the same situation as now.

Mr. PECK: Put it over one week from Monday then.

The PRESIDENT PRO TEM: The gentleman from Hamilton moves that it be postponed to one week from Monday.

Mr. DOTY: I move to make it a special order for 7:30 that evening.

Mr. PECK: I accept that amendment.

The motion was carried.

Mr. HALFHILL: The report of the committee on Initiative and Referendum, which was made a short time ago, reads in regular form, although the signatures were attached by some members simply for the purpose of having the report printed. Now I apprehend, since the journal shows it is recommended by a majority of the committee, it will be next engrossed and go on the calendar in regular order. That situation ought not to exist. I ask that the journal show it was reported in accordance with the action of the committee at its session last evening only for the purpose of having one thousand copies printed, and that the minority be given ten days in which to file its minority report.

The PRESIDENT PRO TEM: Is there any objection?

Mr. DOTY: I don't object on the ground that I want to prevent being done what seems to be the desire to have done. The chairman of that committee is a colleague of mine and he is not present. It seems to have been understood that this action will be taken in order to have the report printed, and that the minority should have a week's time to prepare its minority report. Now what we have done is to receive the report and accept the report, which adopts it. We have engrossed the proposal and we are now up to the reading which has been ordered. I have no disposition to prevent being done what the member desires, but unanimous consent or any

kind of motion will not displace a fact which is now a fact. No man can say what happened a while ago did not happen. It did happen. I suggest the way out of it this is, and that is what we are after, that we recommit the proposal to the Initiative and Referendum committee, and I therefore so move. I do this entirely to protect the gentleman from Cuyahoga, a colleague of mine [Mr. CROSSER], so that he may have it in shape to handle when he returns. I move that the further consideration of the matter now be postponed until Monday night and that it be made a special order for 7:15.

Mr. HALFHILL: No; that interferes with the arrangement to print.

Mr. DOTY: No, it does not; that leaves the whole thing in the hands of the secretary and he is ordered to print it. We have not reconsidered anything. We are only making a motion to reconsider and in the meantime the secretary goes ahead and prints. Every right is preserved and the member from Cuyahoga [Mr. CROSSER] can be here and attend to his own affairs.

Mr. HALFHILL: This report was signed in this way in order to carry out an agreement between the majority and the minority of the members of the committee on Initiative and Referendum. I know that I signed the report in that manner, and what is committed to the journal is committed to the journal, but upon examination of that report, if you are going to be technical about it, you will find the words for printing only as to the names of some of the members. If you are going to be technical about it, you have not a majority of the committee—

The PRESIDENT PRO TEM: The chair will hold if the words "for printing only" are signed to the report, then the report would not go any further even if it were adopted.

Mr. HALFHILL: Those are the express words on there and put on for the purpose of carrying out the agreement with the chairman of the committee.

Mr. WINN: I apprehend that the trouble all grows out of the fact that some members of the committee have signed the report recommending that the proposal be adopted when they are in fact opposed to it.

Mr. HALFHILL: It was signed for a specific purpose.

Mr. WINN: Now, there is just one way in which they can avoid having go down to posterity that they were in favor of the initiative and referendum, as reported to the Convention, and that is to recommit the report.

Mr. DOTY: Under the circumstances I would withdraw my motion to postpone, and as the secretary has had it printed, the matter can stand in that shape.

The PRESIDENT PRO TEM: The report shows it is not signed by a majority, not counting the two who signed for the printing only, and the question is on the motion to recommit.

The motion was carried.

Mr. DOTY: I move that we adjourn.

The motion was seconded.

Mr. BIGELOW: I rise to a question of privilege. I have in my hand a copy of the Columbus Evening Dispatch of today. I have not read the whole article, but have glanced over it sufficiently to see what it is. There

## Question of Personal Privilege.

is a big black heading "The Chair Was There" (reading):

## THE CHAIR WAS THERE

During an exciting debate in the Constitutional Convention, Wednesday, Delegate Anderson, of Mahoning county, was in the midst of a red-hot dry speech when Dr. Stamm, of Fremont, interrupted with: "Say, have you forgotten the beer you bought me at the Hartman last night?" Mr. Anderson hesitated a moment, the dry suffragettes in the gallery gasped, when Mr. Anderson replied: "Yes, but you didn't buy me a return one."

The chair rapped and said: "Quit personalities and confine yourselves to the business before the Convention."

It is said by knowing ones that the subject was painful to Rev. Mr. Bigelow, as he is reliably reported to have been there.

Mr. President, if this matter affected me personally I would not feel justified in taking one moment's time of the Convention, but as the matter affects the presiding officer of the Convention, it affects the Convention itself, and I wish, therefore, the privilege of making a statement.

As most people who are familiar with the Hartman Hotel know, there is a room in the corner of the first floor which opens through one door into the bar room and another door into the office. This room is called the smoking room, and may be entered through either door. The president of the Convention did drop into that room night before last and there were a number of gentlemen there. The president of the Convention did, at the expense of a friend of his, take a glass of lemonade. It seemed to be a trivial matter except it may be that some people in the state of Ohio who read this report might get an impression quite far from the real facts in the case, and because of their positive views upon certain questions may be prejudiced against the work of this Convention. Now, it is to remove that impression as far as possible that I make this statement, because from the hour that I was elevated to the office of president of this Convention I have felt the grave responsibility and the very high honor of the position and I have tried to so conduct myself as to bring no discredit upon the Convention, but rather in every possible way to create harmony and good will among the members and commend the work of this Convention to the people of the state.

I thank you for the privilege of making this statement.

Mr. ANDERSON: If it becomes the duty of Mr. Bigelow, of Hamilton, to rise to a question of personal privilege, when by somewhat of a stretch of imagination it might be said that he consumed a glass of beer, I have much more reason for arising here to a question of privilege. The only one in the party who drank beer, and nobody asked him to take beer, was the gentleman of the mistaken humorous propensity, Dr. Stamm. If the gentleman—I beg to follow the idea suggested by the gentleman from Ashtabula [Mr. HARRIS] in this matter—if Delegate Stamm had thought more about the proprieties and good taste of the situation and not so much of the alleged humor of it, I don't believe he

would ever have done as he did. But the truth of it is this. Because we are trying to have restricted license it seems that those who do not want restricted license, or a small amount of restriction, wish to heap upon us personal abuse. I was absolutely helpless in the way of trying to defend myself. As a person claiming to be a gentleman, I could not mention the fact that the president was there, nor that other gentlemen were there. I think, aside from Dr. Stamm, no other person touched a drink of intoxicating liquor. I think one gentleman took seltzer and lemon.

We were in the smoking room discussing things in a good-natured way, and I was thirsty and wanted a lemonade, and I felt so kindly toward both the unrestricted and restricted that I was willing to buy them lemonade with money I had honestly earned. I presume if the discussion on the liquor question had extended another day I would have been called a hypocrite by the gentleman from Washington [Mr. RILEY] or someone from Hamilton county, because I stayed at the Hartman when Peruna built the hotel, and Peruna is fifteen per cent alcohol.

I have received copies of several papers outside of Columbus where it is stated that I was in a bar room drinking. I never have been under the influence of intoxicating liquor in my life, but I do not deserve any credit for it because I do not care for it, and those reports were circulated and sent out by a delegate on this floor. That delegate went to people representing the newspapers and asked them to send out scurrilous reports of that kind, and that man has the veneer of a gentleman. I told him what I thought of him a short time ago on the floor of this Convention, and I am going to try to get away from men of mistaken ideas of humor and who spy around on others—I am going up to the Southern Hotel where I can stay and find only gentlemen.

Mr. MARRIOTT: The bill of rights provides that no witness can be compelled to give evidence against himself. As a question of the highest privilege, I want to suggest that I was at the Hartman Hotel on that same evening, and I too was thirsty, and yet I was not invited into that smoking room to take a glass of beer or a lemonade or a drink of water.

Mr. HARRIS, of Hamilton: I rise to a question of personal privilege. I have often been at the bar of the Hartman Hotel and have drunk beer when I wished to and lemonade when I wished to, but that is not the question on which I ask to be heard on a matter of personal privilege. I am the member from Hamilton to whom the member from Mahoning [Mr. ANDERSON] has referred as the one who inspired the newspaper articles outside of this city. There may be an element of truth in what he has said. If I have done him any injustice I desire here publicly to apologize. No injustice was intended. Having a very high sense of humor, when the incident with Dr. Stamm occurred I enjoyed it immensely, and I circulated it among the friends and delegates on the outside and told them how good a joke I thought it was. I did not hesitate to twit the member from Mahoning [Mr. ANDERSON] half a dozen times about it and he took it good-naturedly. I went to other members—the president himself, and twitted him on the publicly we were giving to it, and one of



## Question of Personal Privilege—Petitions and Memorials.

the members, whose name I shall not mention, who took an innocent lemonade in a long glass with straws, I twitted also, and I insisted that it looked very much like a highball. I had him so frightened that he hesitated at first to make an address to the Convention for fear I would ask him the question, but I had no such thought and did not ask him. In the presence of some newspaper men and at the side of the president and a couple of others with whom I had personal acquaintance, I related the story and may have requested them to send it as a good joke, never imagining that I was for a moment going to injure the member from Mahoning [Mr. ANDERSON]. I ask the members to bear in mind, before I repeated those remarks to a few, it was a matter in the record of this Convention, as public as if it had been printed in every newspaper in the state. For doing this I confess I was viciously abused on the floor of this Convention, after the Convention had adjourned by the member from Mahoning [Mr. ANDERSON].

Mr. FESS: I have read the article through and the whole thing seems to have been placed in a much more prominent position than ordinary and called especial attention to this incident. I do not believe that anyone on this floor would need any explanation from our president as to the incident, and yet the public would need an explanation or it would be misinformed, and I am going to move that all this personal colloquy on this matter be expunged from the record. I think that this Convention should order or ask that the person who did it be excluded from the floor here. If the president would feel it is proper that his explanation only be printed, it should be printed, but on the other hand, if the president does not ask for anything of that kind, and is satisfied, as I feel the rest of us are, with the explanation—which was not needed for us, but might be for those who are not members of the Convention, not knowing the incident—I would then move that all the matter pertaining to the questions that Doctor Stamm asked yesterday which reflected on the member from Mahoning, and also all of this colloquy since the president made his statement, be stricken from the debate.

The motion was seconded by Mr. Weybrecht:

Mr. DOTY: I hope that action will not be taken. If we are going to have a stenographic report of what takes place, let us have it. You can not stop a thing from going. It is like dropping a pebble into the lake—you cannot stop the waves that follow it. Unless we have something in the record there is no defense against any report that any person may send out. The best thing is to retain our statements and let everybody's statement be there.

Mr. BIGELOW: I feel the same way about it. To strike everything from the record would certainly convey the impression to some people that there was something that some of us were ashamed of and didn't want read. That is not what we are afraid of. We are afraid merely of the wrong impression of those who don't know the whole truth about this matter. After hearing what I have heard and knowing what I knew before taking the floor, I feel that nothing has happened that reflects upon the good taste, the good will and good character of any member connected with the incident, and I

hope the record will stand that anybody may read it and know. I would not suggest that the motion that the member from Greene [Mr. FESS] spoke of should be made. I believe that the owners or those in control of the Evening Dispatch will be only too glad to give full publicity to any statement that any of us wish to make with reference to the matter, because I am sure that neither of them nor anyone else intended any reflection by anything that has been said or done here, and I will be glad to see the incident closed now and the record left as it is.

Mr. FESS: Since the president prefers that the record remain as it is I very gladly withdraw my motion if the second will consent.

The consent was given.

The president announced that the privilege of the floor extended to Henry N. Blair, as representative of the Cincinnati Commercial Tribune has been relinquished.

## PETITIONS AND MEMORIALS.

Mr. Beyer presented the petition of G. L. Wisely and other citizens of Hancock county, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Brattain presented the resolution of Upper Flat Rock Sunday school, of Paulding township, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Farrell presented the petition of the German American Alliance of Cuyahoga county, requesting the adoption of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Farrell presented the petition of the Ohio Association Opposed to Woman's Suffrage, protesting against equal suffrage for women; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Farrell presented the petitions of the Girard Political Party club, of Girard; of the Woman Suffrage Party, of Cleveland; Men's League for Woman Suffrage; the Columbus Equal Suffrage Association, of Columbus; the College Equal Suffrage League, of Columbus; the Ohio W. C. T. U.; the National Council of Women and the Ohio Federation of Women's Clubs, requesting the passage of Proposal No. 163; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Farnsworth presented the petition of Hattie M. Sherburne and twenty other citizens of Whitehouse, protesting against licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Miller, of Crawford, presented the petition of Mrs. G. W. Grant and nineteen other citizens of Crawford county, relative to woman holding office; which was referred to the committee on Legislative and Executive Departments.

Mr. Thomas presented the petition of Jno. H. Theurer and twenty-three other citizens of Cleveland, in favor of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Thomas presented the petition of G. C. Ashburn, of Cleveland, requesting a further limitation in the exercise of the right of eminent domain; which was referred to the committee on Judiciary and Bill of Rights.

Mr. Kerr presented the petition of E. O. Morris and

## Petitions and Memorials.

twenty-nine other citizens of Steubenville, opposing the adoption of Proposal No. 4, relative to licensing the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Redington presented the petitions of G. W. Miller and thirty other citizens of Lorain; of W. H. Townsend and other citizens of Wellington, against the King proposal; which were referred to the committee on Liquor Traffic.

Mr. Knight presented the remonstrance of J. H. J. Upham and forty-seven other male citizens of Franklin county, against any amendments that shall provide for woman suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Bigelow presented the petitions of Ellis R. Gardner, of Flint; of J. D. Hall of Orrville, protesting against licensing the liquor traffic, which were referred to the committee on Liquor Traffic.

Mr. Redington presented the petitions of John P. Tucker and many other citizens of Lorain county; of W. H. Snyder and ten other citizens of Lorain county; of W. B. Andress and twenty other citizens of Wellington; protesting against King Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Solether and Mr. Beatty of Wood, presented the remonstrance of J. O. Rhodes and thirty-eight other citizens of North Baltimore, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Mauck presented the petitions of the Free Baptist church, of Cheshire; of Maggie T. Davis and thirty other citizens of Gallia county; of Zella Harding and sixty other citizens of Gallia county; of J. E. Richards and twenty-nine other citizens of Rio Grande; of R. M. Tanner and thirty other citizens of Thurman; of Lewis Jones and twenty-one other citizens of Gallia county; of J. R. Kerr and twenty-five other citizens of Bidwell; of Wilson Lee and fourteen other citizens of Gallia; of Mr. Rothgeb and seventeen other citizens of Kanaga; of Elmer E. Evans and twenty other citizens of Gallia Jackson counties; of F. P. Shaffer and twenty-five other citizens of Oak Hill; of W. R. Evans and seventeen other citizens of Gallia; of David Jones and thirteen other citizens of Gallia county; of W. D. Hall and eight other citizens of Patriot, protesting against the passage of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Cassidy presented the petition of the Seventh-Day Adventist church, of Lake View, protesting against the adoption of Proposals No. 65, No. 121 and No. 204; which was referred to the committee on Education.

Mr. Farrell presented the petition of John Vargo and twenty-two other citizens of Cleveland, asking for the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. King presented the petition of Iva H. Cunningham and seven other citizens of Huron, for equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Miller, of Fairfield, presented the petition of James T. Pickering and ninety other citizens of Fairfield county, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Riley presented the petitions of the Y. P. S. C. E. of Marietta; of the Presbyterian Brotherhood Bible class, of Marietta; protesting against the passage of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Smith, of Geauga, presented the petition of Pomona Grange No. 10 at Burton; protesting against the classification of property for taxation; which was referred to the committee on Taxation.

Mr. Stamm presented the petition of C. H. Vandersall and twenty-seven other citizens of Lindsey protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Stilwell presented the petition of Thomas Brown and one hundred and two other citizens of Cleveland, asking for weekly pay day in mills and factories; which was referred to the committee on Labor.

Mr. Stilwell presented the petition of Empire Lodge No. 6 of A. A. I. S. & T. W. of Cleveland, in favor of initiative, the referendum and recall; which was referred to the committee on Initiative and Referendum.

Mr. Thomas presented the petition of Robert Cazeau and twenty-eight other citizens of Cleveland, in favor of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Winn presented the remonstrance of H. M. Baker and other citizens of Erie county, against King Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Wise presented the remonstrance of C. N. Dewalt and forty-four other citizens of Paris township, against the King proposal, urging the submission of a proposal to further regulate the liquor traffic in the state; which was referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of Andrew Auten, of Cleveland; of John B. Longnecker, Orrville; of A. J. Howenstine, Orrville; of J. S. Weaver, Orrville; of Henry C. Blosser, Orrville; of H. G. Ashburn, Cincinnati, protesting against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of John F. Vondrak and three other citizens of Cuyahoga county, of S. Wendel and six other citizens of Toledo, asking for the passage of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Petition of thirty-seven spectators in state house gallery, in behalf of submission of woman suffrage amendment to voters; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Harbarger presented the petitions of the Rev. S. A. McNeilan and eighteen other citizens of Franklin county; of H. E. Wright and twenty-two other citizens of Columbus, protesting against the passage of King proposal, which were referred to the committee on Liquor Traffic.

Mr. Henderson presented the petitions of Martha Lueke and other citizens of Cuyahoga county; of May F. McReynolds and other citizens of Logan county, requesting suffrage for women; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Henderson presented the petitions of the Rev. Geo. E. Carey and other citizens of Champaign county; of W. W. Wilson and fifty other citizens of Champaign

## Petitions and Memorials.

county; of M. G. Burnham and thirty other citizens of Woodstock, protesting against the passage of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Knight presented the memorials of Mrs. E. J. Jones and thirty other women citizens of Columbus; of Mrs. George T. Spahr and twenty-four other women citizens of Columbus; of Mrs. Wm. H. Rickman and twenty-one other women citizens of Columbus; of Mrs. S. E. Richardson and twenty-four other women citizens of Columbus; of Mrs. Wm. A. Burt and twenty-four other women citizens of Columbus; of Mrs. G. V. Ackerman and thirty-seven other women citizens of Columbus; of Mrs. W. O. Henderson and six other women citizens of Columbus; of Alice Fay Potter and forty-three other citizens of Columbus; of Mrs. Alice Lee Upham and sixty other women citizens of Columbus; of Elizabeth Loving Hamilton and sixty other women citizens of Columbus; of Mrs. N. M. Cleveland and twenty-four other women citizens of Worthington; of Helen Moriarty and thirty-two other women citizens of Franklin county; of Mary Reynolds and forty-two other women citizens of Columbus; of Mrs. Samuel Lee and forty-six other women citizens of Franklin county; of Mrs. H. F. Pratt and forty-four other citizens of Columbus; against any amendment that shall impose the suffrage upon women; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Evans presented the petitions of the Farmers' Institute, held at Scioto; of N. B. Crabtree and sixty other citizens of Portsmouth, asking for the submission of woman's suffrage; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Shaw presented the petition of A. C. Willey, of Malvern, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Shaw presented the remonstrance of C. A. Stein, objecting to the employment of any one, who has not been naturalized, on any of the wagon roads, which the state proposes to build; which was referred to the committee on Good Roads.

Mr. Smith, of Geauga, presented the remonstrance of W. B. Reed and twenty other citizens of Chester against Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Smith, of Geauga, presented the petition of Francis H. Ensign, president of the W. C. T. U. of Ohio, asking for woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Eby presented the petitions of E. S. Howell and twelve other citizens of West Manchester; of C. W. McIntosh and fourteen other citizens of Preble county; of W. H. Saylor and seventeen other citizens of West Alexandria; of Ed. E. Hartley and forty-two other citizens of Preble county; of Elizabeth Travis Myers and twenty-seven other citizens of Preble county; protesting against the passage of Proposal No. 4; which were referred to the committee on Liquor traffic.

Mr. Farrell presented the petitions of F. G. Smith; of O. H. Brooks; of Phil H. Marquard; of Heaton Pennington; of H. T. Loomis and T. W. Larwood, Jr., all of Cleveland, requesting that mortgages be exempt from

taxation; which were referred to the committee on Taxation.

Mr. Farrell presented the petitions of Geo. Culley, of Mrs. A. Bower, secretary of the W. C. T. U. of Cuyahoga county; of Warren W. Hale of the Windemere M. E. church; of B. F. McQuade, of the First Congregational church, of Cleveland; of Mary D. Parker, and Mrs. Mary E. Elmore, of the W. C. T. U. of Berea, all of Cuyahoga county, protesting against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Johnson, of Williams, presented the remonstrance of E. S. Marshall and twenty-two other citizens of Bryan, protesting against the passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Knight presented the remonstrances of Mrs. J. A. Jeffrey and thirty-seven other women citizens of Columbus; of Clara Nitsche and forty-two other women citizens of Franklin county; of Mrs. Luke G. Byrne and fifteen other women citizens of Columbus; of Miss Lizzie Mehrman and twenty-eight other women citizens of Columbus; of Mrs. D. W. Collins and thirteen other women citizens of Columbus; of Mrs. A. M. Williams and forty-two other women citizens of Columbus; of Mrs. H. Chalfant and nineteen other citizens of Franklin county; of Mrs. D. L. Moore and thirty-nine other women citizens of Columbus; of Kittie Lewis and eight other women citizens of Columbus, against any amendment that shall impose the suffrage upon women; which were referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Bigelow presented the remonstrances of Mahoning Lodge, No. 339, I. O. B. B., of Youngstown; of C. C. Carter, of Lancaster; of Jake Reader, of Crestline; of Sol Prentke; of Emanuel Kaufman; of Sam Gorman; of Ben Shulman; of S. B. Goldreich; of Mrs. S. I. Iemster; of H. Rosenberg; of H. Landan; of Chas. Feinstein; of Joseph Rehman; of Mrs. N. Ginsburg; of D. Haler; of Samuel Lapon; of Frank Penyman; of Jacob Cort; of Jas. Chanesworth; of Leo Wittenberg; of Oscar Braun; of Ellen Braun; of Leo Grossman; of M. Ernst; of S. S. Levy; of Max M. Sarlon; of Henry Greenwald; of Edward Peneles; of Victor Davis; of S. Klein; of Albert Rosengmegg; of Ben Febger; of Ben F. Schwartz; of Isadore Klewns; of Nathan Freidman; of Mrs. A. Chertoff, of Herman Frenger; of H. Kirts; of S. Eisenberg; of J. Levey; of Morris Goldrich; of Louis Eisenberg; of Mrs. D. Florman; of M. C. Ambach; of Julius Kaltmann; of David Shulman; of Hyman Heller; of D. Handmacher, all of Cleveland, protesting against reading the Bible in the public schools of the state; which were referred to the committee on Education.

Mr. Bigelow presented the petitions of Elmer T. Fawcett, of Logan; of H. S. Baker and other citizens of Wooster; of Edward Wallace, of Cleveland, protesting against licensing the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Elson presented the petition of A. M. Rainey and thirty other citizens of Athens county, protesting against King Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Lambert presented the petition of C. C. McKinnis

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and twenty-three other citizens of Jackson county, protesting against the licensing of the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Riley presented the memorial of the Ohio Federation of Women's Clubs, in reference to giving women equal opportunity of appointment to office in institutions, in which women and children are interested; which was referred to the committee on Legislative and Executive Departments.

Mr. Marriott presented the petitions of a Sunday school at Magnetic Springs; of J. D. Russell and other citizens of Delaware and Union counties, protesting against licensing the liquor traffic, and urging the delegates to submit a proposal to further prohibit the liquor traffic, which were referred to the committee on Liquor Traffic.

Mr. DOTY: I move to adjourn.  
The motion was carried.