

EIGHTEENTH DAY

EVENING SESSION.

MONDAY, February 12, 1912.

The Convention met pursuant to adjournment, was called to order by the President and opened with prayer by the member from KNOX [Mr. McCLELLAND].

The journal of Thursday, February 8, was read and approved.

PETITIONS AND MEMORIALS.

Mr. Beyer presented the resolution of the Grace United Evangelical church, of Findlay, protesting against unrestricted license, which was referred to the committee on Liquor Traffic.

Mr. Hoskins presented the petition of the Rev. Louis C. Momberg and other members of the Methodist Protestant church, of Waynesfield; relating to the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Hoskins presented the petition of E. J. Bailey and fifty other citizens of Auglaize county, relating to woman's suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Hoskins presented the petition of J. D. Smallwood, and five hundred twenty-five other citizens of Auglaize county, relative to the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Thomas presented the memorial of the Ohio Physical Education Union of Richland county, requesting amendment to section 7, of article 1, of the constitution, adding the words "and physical efficiency"; which was referred to the committee on Education.

Mr. Miller, of Fairfield, presented the petition of Elizabeth C. Kelton and other citizens of Franklin county asking for the right of suffrage for women; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Bigelow presented the petitions of the Hamilton county W. C. T. U.; of the U. B. Sunday school of Potsdam; of the Ohio W. C. T. U., of Cleveland; of the First Christian church, of West Milton; of the United Presbyterian church, of East Liverpool; of the W. C. T. U., of Delaware; of a Sunday school at Concord; of G. D. Lovett, of Manchester; of Mr. Warren Van Hyning, of Barberton; of Mr. Geo. Manley, of New Portage; of the monthly meeting of Friends at Berlinville; of the First Baptist church, of Defiance; of the M. E. Sunday school, of West Cairo; of the Van Wert Quarterly Meeting of the Friends church, held at Van Wert; protesting the licensing of the liquor traffic; which were referred to the committee on Liquor Traffic.

Mr. Kilpatrick presented the resolution of Pomona Grange No. 49, Patrons of Husbandry, having jurisdiction over Trumbull county, in favor of equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Kilpatrick presented the petition of John Hazlett protesting against equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Bigelow presented the petition of the Midland Druggist and Pharmaceutical Review, asking for a license clause in the constitution; which was referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of David Fribourg, of Bowling Green; of I. C. Isaacs, of Warren; of Fred O. Farnsworth, of Wadsworth; of J. C. Bremen, of Newark; of W. Faulder, of Lakeview; of John A. Petrot, of Lorain; of C. C. Nelson, of Mahoning county; of Geo. Hockenberry, of Portage county; of A. H. Manning and thirteen other citizens of Montgomery county; of J. Rinehart, of Knox county; of Lawrence Yerges, of Hocking county; of P. R. Maley, of Jefferson county; of George Myers and thirty-eight other citizens of Clermont county; of Dave Hunley and twenty-seven other citizens of Lawrence county; of Ed. L. Baxter and nineteen other citizens of Carroll county; of Frank Myers and one hundred sixty-six other citizens of Seneca county; of R. M. Ramsey and thirty-eight other citizens of Wood county; of Charles Nicol and other citizens of Union county; of W. R. Decker and thirty-six other citizens of Warren county; of Ralph Allen and thirty-one other citizens of Fairfield county; of James A. Lathrop and one hundred eighty-one other citizens of Lucas county; of Otto Hoffman and other citizens of Allen county; of John C. Gerstner and seventeen other citizens of Darke county; of Chas. E. Dix and fifty-two other citizens of Washington county; of Archie Graham and ninety-four other citizens of Belmont county; of A. Nagel and two hundred eighty-two other citizens of Defiance county; of T. Nickels and other citizens of Tuscarawas county; of H. A. Stein and forty other citizens of Summit county; of H. H. Frick and other citizens of Stark county; of J. C. Nixon and other citizens of Columbiana county; of Robert Arnold and twenty-one other citizens of Athens county; of W. C. Davis, and nineteen other citizens of Auglaize county; of Thos. Noble and one hundred seventeen other citizens of Cuyahoga county; of G. R. Fether, of Lima; of A. Dunham, of Delaware; of J. A. McAfee, of Bellaire; of Frank Mathews, of Collinwood; of Fred G. Knapp and other citizens of Erie county; of E. J. Lamson and other citizens of Coshocton county; of E. Brady and thirty-nine other citizens of Highland county; of Frank Rose, and one hundred seven other citizens of Belmont county; of Robert Knape and six hundred fifty-two citizens of Defiance county; of Chas. W. Miller and one hundred twenty other citizens of Licking county; of Chas. E. Hill and eighteen other citizens of Champaign county; of W. A. Green and one hundred twenty-four other citizens of Cuyahoga county; of John W. Hum and thirty-three other citizens of Columbiana county; of A. A. Rettig and other citizens of Clark county; of John Poffenbarger and thirty-eight other citizens of Darke

Petitions and Memorials.

county; of Robt. Armour and fifteen other citizens of Brown county; of H. Burgess and four hundred three other citizens of Lucas county; of H. C. Shafer and eighteen other citizens of Shelby county; of E. J. Schmidt and eight other citizens of Washington county; of W. G. Nickels and seventeen other citizens of Tuscarawas county; of W. H. Fee and other citizens of Pickaway county; of G. Lewis and other citizens of Mahoning county; of A. J. Snyder and twenty-five other citizens of Summit county; of J. C. Boyd and eighteen other citizens of Stark county; of Jake Sane and other citizens of Sandusky county; of Wm. McElroy and other citizens of Mercer county; of Frank Blair and twenty-seven other citizens of Montgomery county; of Milton Armstrong, of Lakeview; of F. H. Wagner and sixty-two other citizens of Lawrence county; of C. J. Bowers and thirteen other citizens of Lorain county; of B. Dubinsky and other citizens of Knox county; of G. H. Barnes and fifty-seven other citizens of Jefferson county; asking for the passage of Proposal No. 4; which were referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of the Stillwater Brethren church; of George W. Helling and thirty-six other citizens of Townsend township; of A. L. Benjamin and one hundred forty other citizens of Hamilton county; of the Rev. F. M. Swinehart and two hundred other citizens of Athens; of five hundred sixty members of the W. C. T. U. of Pickaway county; of H. W. Peters and thirty other citizens of Licking county; of Isaac Sumner Brown, of Cincinnati; of Mrs. Reece, of Cleveland; of M. P. Howes, of Fredericktown; of D. M. Brumbach, of Fredericktown; of J. C. Dague, of Fredericktown; of sixty members of the W. C. T. U., of Fredericktown; of five hundred members of a church, the Rev. J. B. Jones, pastor, of Fredericktown; of the Presbyterian church, of Washington C. H.; of J. W. Anders, of Fredericktown; of E. H. Hicks, Fredericktown; of a mass meeting held in New Vienna; of W. D. McCoy, of Fredericktown; of Lawrence Smith, of Fredericktown; of A. H. Grubaugh, of Fredericktown; of the First United Brethren Sunday school of Akron; of the Brighton Presbyterian church, of Zanesville; of five hundred forty-six members of the M. E. Sunday school, of Van Wert; of the W. C. T. U., of Van Wert; of C. E. Tedford, of Fletcher; of the U. B. church, **of Van Buren; of M. H. Prentiss, Barberton; of Naomi Smith, Van Buren; of Mrs. C. B. Bauman, Bradner; of Arthur G. Brown; of Chas. W. Flanagan, Van Buren; of Roger L. Conant, Madisonville; of the M. E. church, Beaverdam; of Isaiah George Armbrust, Cincinnati; of the First Methodist Episcopal church, St. Marys; of eighty-four members Queen Esther Circle of the First M. E. church, of Findlay; of the Men's Bible class of the First M. E. church, Cincinnati; of the Hyde Park M. P. church; of the men's mass meeting at Piqua; of G. W. Prince, of Dayton; of the Presbyterian church, of Dalton; of N. M. Bumgardner, Bellaire; of Merton E. Graham, Grafton; T. E. Mahaffee, Bellaire; of P. S. Kelsner, of Mt. Vernon; of E. C. Garlow, of Mt. Vernon; of the W. C. T. U., of Van Buren; of D. J. Kirk, Ravenna; of Chas. J. Busch, Cincinnati; of W. M. Peterson, Piqua; of the Francis Willard chapter, W. C. T. U., of Newark; of James Reece, Cleveland; of Mrs. S. E. Chappellear, Athens;**

of W. Cobblestick, Cleveland; of James Cobblestick, Cleveland; of the Townsend Bible class of Third Avenue M. E. church, Columbus, protesting against the submission of a license clause in the constitution; which were referred to the committee on Liquor Traffic.

Mr. Pettit presented the petition of the Rev. G. W. Mathison and many other citizens of West Union, Adams county, relative to the liquor traffic; which was referred to the committee on Liquor Traffic.

Mr. Smith, of Geauga, presented the petition of E. P. Baird and twenty-eight other citizens of Parkman, relative to taxation; which was referred to the committee on Taxation.

Mr. Kilpatrick presented the resolution of the Women Tax Payers' League, of Hamilton county, in favor of equal suffrage; which was referred to the committee on Equal Suffrage and Elective Franchise.

Mr. Kramer presented the resolution of Men's Bible class and Brotherhood of Christian church, of Mansfield, protesting against governor's attitude on license proposition and against the King Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Smith, of Geauga, presented the resolution of the Rev. H. H. Elwinger and other citizens of Chardon, opposed to license clause in the constitution; which was referred to the committee on Liquor Traffic.

Mr. Kramer presented the petition of Chas. R. Oakley and twenty-two other citizens of Richland county, protesting against a license clause in the constitution; which was referred to the committee on Liquor Traffic.

Mr. Smith, of Geauga, presented the petition of the W. C. T. U., of Chesterland, relative to temperance and woman's suffrage; which was referred to the committee on Liquor Traffic.

Mr. Bigelow presented the petitions of G. L. Marple, of Fredericktown; of Walter Barret, Fredericktown; of the Christian church, Athens; of Frank R. Wells, Springfield; of the Evanston Christian church, of Cincinnati; of J. C. Skinner, of Bellaire; of the M. E. church, of Mt. Vernon; of F. C. Hadley, Mt. Vernon; of the W. C. T. U., of East Liberty; of Thos. C. Kilpatrick, Mt. Vernon; of J. C. Burris, Mt. Vernon; of A. R. Pritchard, Butler; of J. P. Stahl, and twenty other citizens of Alliance; of O. M. Sellers and twenty other citizens of Jamestown; of Leroy Christopher and twenty-six other citizens of Hamilton county; of Orville Beddinger and sixty citizens of Hamilton county; of Thomas Warwood, of Cincinnati; protesting against the submission of a license clause in the constitution; which were referred to the committee on Liquor Traffic.

Mr. DeFrees presented the petition of F. C. Plock and fifty other citizens of Miami county, asking for passage of Proposal No. 4; which was referred to the committee on Liquor Traffic.

Mr. Tetlow presented the petition of eighty citizens of Columbiana, favoring submission of license; which was referred to the committee on Liquor Traffic.

Mr. Harbarger presented the petition of N. D. Cramer and fourteen other citizens of Franklin county, against the passage of Proposal No. 4, relating to the liquor traffic; which was referred to the committee on Liquor Traffic.

Resolution to Change Rules—Introduction of Proposals.

MOTIONS AND RESOLUTIONS.

Mr. DOTY: I offer a resolution.

The resolution was read as follows:

Resolution No. 69:

Resolved, That rules No. 80 and No. 83 shall be amended to read as follows:

RULE No. 80. The report of a minority of any committee shall be received, spread upon the journal and treated as an amendment or substitute offered to or for the report of the committee.

RULE No. 83. Any matter intended to become a part of the revised constitution shall be presented by a member of the Convention and shall be designated a proposal, and shall be in writing and shall be spread upon the journal by title, number and author's name. Any proposal passed on its second reading shall be spread at length upon the journal of that day; and any proposal that shall be passed on its third reading shall be spread at length upon the journal for that day, and

Resolved further, That original rules No. 80 and No. 83 are hereby rescinded.

Mr. DOTY: I would like to have the resolution referred to the committee on Rules.

The PRESIDENT: Let it be so referred.

Mr. MOORE: In view of the visit we are expecting from President Roosevelt February 21, I think we should recognize his well-known ideas concerning race suicide, and I therefore move that the gentleman from Tuscarawas [Mr. STEVENS], the gentleman from Ashland [Mr. FLUKE] and the gentleman from Mercer [Mr. FOX], who are responsible for twenty-five children, be made a reception committee for our distinguished ex-president.

Mr. LAMPSON: That affords a bit of very appropriate humor, but beyond that I do not see that it is useful, and I therefore move to lay the resolution on the table.

The motion was carried.

Mr. DOTY: I move that the standing committee on Printing and Publication be requested to report by Wednesday, February 14, 1912, plans for carrying out paragraphs 2 and 3 of Resolution No. 35, adopted February 1, and said committee have permission to report at any time. The Convention will remember the matter of publishing the debates has been left somewhat hanging in the air. The special committee made its report upon reporting the debates only, and the committee on Printing and Publication was told by our committee in the early part of our sessions that we should expect them to take care of the printing end of it. That was exactly the way the matter was left and this motion is made so that there may be no further delay about getting the printing started.

Mr. WATSON: I do not think the motion is necessary. At the opportune time we will call the committee together. The other committees have been so busy that we have been unable to get away from them. We

expect to take the matter up the first of the week. We are not attempting to dodge our duties.

The motion was lost.

The PRESIDENT: Are there any resolutions? If not, introduction of proposals is the next order of business.

INTRODUCTION OF PROPOSALS.

The following proposals were introduced and read the first time.

Proposal No. 226—Mr. Lampson. To submit an amendment to article X, section 1, of the constitution.—Relative to county and township organizations.

Proposal No. 227—Mr. Harris, of Ashtabula. To submit an amendment to article XI, of the constitution.—Relative to legislative apportionment.

Proposal No. 228—Mr. Rockel. Submitting to vote propositions under initiative and referendum.

Proposal No. 229—Mr. Rockel. To provide a method of districting the state for congressional and other district purposes.

Proposal No. 230—Mr. Tetlow. Relative to the end that the judicial interpretation of the constitution will permit of the conservation of minerals.

Proposal No. 231—Mr. Thomas. To submit an amendment to article XII, of the constitution by adding sections 7 and 8.—Relative to taxation.

Proposal No. 232—Mr. Doty. To submit an amendment to article II, section 26, of the constitution.—Relative to limiting the time in which laws shall be in force.

Proposal No. 233—Mr. Marriott. To submit an amendment to article XVI, sections 2 and 3, of the constitution.—Relative to the method of revising, altering or amending the constitution.

Proposal No. 234—Mr. Marriott. To amend sections 2 and 3, of article XVI, of the constitution.—Relative to the method of revising, altering or amending the constitution.

Proposal No. 235—Mr. Harris, of Hamilton. To submit an amendment to article XII, section 2, of the constitution.—Relative to taxation.

Proposal No. 236—Mr. Worthington. To submit an amendment to article II, section 8, of the constitution.—Relative to investigations by general assembly.

Proposal No. 237—Mr. Hoffman. Relative to textbooks for the public schools and schools of all denominations to be published by the state.

Proposal No. 238—Mr. Hursh. To submit an amendment to article VIII, section 1, of the constitution.—Relative to public debt.

Proposal No. 239—Mr. Harter, of Huron. To submit substitute to section 18, of the schedule, of the constitution.—Relative to licensing the traffic in intoxicating liquors in municipalities.

Proposal No. 240—Mr. Anderson. To submit an amendment to article I, of the constitution.—Relative to damages for wrongful death.

Proposal No. 241—Mr. Dwyer. To submit an amendment to article II, section 23, of the constitution.—Relative to impeachment of officials.

Introduction of Proposals—Traffic in Intoxicating Liquors.

Proposal No. 242—Mr. Roehm. To submit an amendment to article V, section 2, of the constitution.—Relative to elective franchise.

Proposal No. 243—Mr. Tannehill. To submit an amendment to article VIII, section I, and article XIII, section 6, of the constitution.—Relative to bond issues and special assessments.

Proposal No. 244—Mr. Tannehill. To submit an amendment to article XII, section 2, of the constitution.—Relative to exemption of property from taxation.

Proposal No. 245—Mr. Tannehill. To submit an amendment to article XVI, section 1, of the constitution.—Relative to submission of constitutional amendments.

Proposal No. 246—Mr. Tannehill. To submit an amendment to article II, section 20, of the constitution.—Relative to when elective state, district, county, municipal and township officers shall assume their offices.

Proposal No. 247—Mr. Tannehill. To submit an amendment to article II, sections 20 to 31, article III, section 19, and article IV, section 14, of the constitution.—Relative to increase of salaries.

Proposal No. 248—Mr. Tannehill. To submit an amendment to article XII, section 2, of the constitution.—Relative to exemption of mortgages from taxation.

Proposal No. 249—Mr. Tannehill. To submit an amendment to article V, section 1, of the constitution.—Relative to primary elections.

Proposal No. 250—Mr. Tannehill. To submit an amendment to article II, section 19, of the constitution.—Relative to exclusion of members of the legislature from certain offices.

Proposal No. 251—Mr. Okey. To submit an amendment to article V, section 2, of the constitution.—Relative to method of voting.

Proposal No. 252—Mr. Weybrecht. To submit an amendment to article I, section 16, of the constitution.—Providing for redress of claims against the state.

Proposal No. 253—Mr. Read. To submit an amendment to article XV, section 9, of the constitution.—Relative to submission of liquor question to electors of the state.

Proposal No. 254—Mr. Stevens. To submit an amendment to article XV, section 9, of the constitution.—Relative to the liquor traffic.

Proposal No. 255—Mr. Antrim. Relative to the taxing of the assets of banks and bankers.

Proposal No. 256—Mr. Antrim. Relative to the authorizing of associations with banking powers.

Proposal No. 257—Mr. Stalter. To submit an amendment to article III, section 8, of the constitution.—Relative to extraordinary sessions of the general assembly.

REPORTS OF STANDING COMMITTEES.

Mr. BOWDLE: The committee on Liquor Traffic submits the following report:

The standing committee on Liquor Traffic, to which was referred Proposal No. 4—Mr. King, having had the same under consideration, reports it back and recommends its passage.

I do not know that I am in order, but if I am not I know you will promptly tell me so.

Mr. WINN. Why not wait until my report is read?
Mr. BOWDLE: Then I am out of order I see.
The minority report was read as follows:

The minority of the standing committee on Liquor Traffic, to which was referred Proposal No. 4—Mr. King, having had the same under consideration, submits the following minority report and requests to have the same substituted for the majority report. Said minority recommend that said Proposal No. 4 be passed when amended as follows:

Strike out all between lines 9 and 27 and in lieu thereof insert the following:

“The general assembly shall be authorized to enact legislation providing for the licensing of the liquor traffic, but no such legislation shall authorize more than one license in each township, or municipality of less than 1,000 population, nor more than one for each 1,000 population in other townships and municipalities; provided, however, that any license so granted shall be deemed revoked if in the place operated under such license any law regulating such traffic in intoxicating liquors is violated.

And provided further, that nothing herein contained shall invalidate, limit or restrict the provision of any law now in force, relating to such traffic, or in any way limit the right of the general assembly, under its police power, to provide against the evils resulting from the traffic in intoxicating liquors.”

Strike out all of lines 34 and 35 and the first three words of line 36 and in lieu thereof insert the following:

“Favor of License.” And opposite the words “Against License” within the blank space, if he desires to vote against license, and in favor of allowing section 9, article XV of the present constitution to remain unchanged.

In line 39, strike out the word “first.”

In line 42, strike out all after the word “license” as it appears the second time in said line, and also strike out all of line 43 and in lieu thereof insert the following:

“Then section 9, article XV of the present constitution shall remain unchanged.”

Mr. BOWDLE: I move that the consideration of this whole matter be made a special order of business for one week from next Wednesday at 10:45.

A DELEGATE: That is Roosevelt day.

Mr. BOWDLE: Roosevelt won't take the whole day.

A DELEGATE: You don't know.

Mr. BOWDLE: Then make it Tuesday morning at 10:45.

Mr. WINN: I second that motion.

Mr. LAMPSON: After this matter is disposed of we can have an agreement.

Mr. HALFHILL: If it is in order, I would like very much to hear the signers of the majority report and of the minority report.

Traffic in Intoxicating Liquors.

The PRESIDENT: The secretary will please read the signatures of the two reports.

The signatures were read as follows:

To the majority report: Stanley E. Bowdle, John Roehm, Herbert S. Bigelow, Joe DeFrees, Stanley Shaffer, Jno. H. Riley, James C. Tallman, E. B. King, H. G. Redington, H. C. Fox, Robt. Henderson, B. F. Weybrecht.

To the minority report: John W. Winn, W. B. Stevens, W. B. Kilpatrick, J. F. Kramer, H. W. Elson, Frank P. Lambert, John R. Cassidy, G. W. Knight, S. D. Fess.

The PRESIDENT: The question is on the postponing of the consideration of the report of the committee and of the minority report until Tuesday next at 10:45.

The motion was carried.

Mr. LAMPSON: I move that two thousand copies of Proposal No. 4 be printed as it would read if amended by the adoption of the minority report.

The motion was carried.

Mr. ANDERSON: I presume this is the proper time for a committee to hand in a report of any proposal.

The PRESIDENT: That matter can be attended to at any time.

Mr. ANDERSON: I would like to inquire about Proposal No. 151, which is in the hands of the committee. What about that proposal?

Mr. BOWDLE: As chairman of the Liquor committee I had determined to report tomorrow morning, through the directions of the committee, on all the other proposals, including the proposal of the gentleman from Mahoning [Mr. ANDERSON]. That is, we will report tomorrow morning recommending the indefinite postponement of all the other proposals undisposed of by this report we have just made, including that about which the inquiry is just made.

The PRESIDENT: If the gentleman from Mahoning [Mr. ANDERSON] insists the question will now be upon the return of Proposal No. 151.

Mr. DOTY: Is the member from Mahoning [Mr. ANDERSON] demanding the return of this proposal?

Mr. ANDERSON: Yes.

Mr. DOTY: Then the proposal is now before the house and I move that it be recommitted to the committee on Liquor Traffic.

Mr. ANDERSON: Under what rule is that?

The PRESIDENT: Under Rule 82. The question is on referring the proposal to the committee on Liquor Traffic. Does the gentleman from Mahoning [Mr. ANDERSON] wish to be heard?

Mr. ANDERSON: Yes. In the first place, to refer that proposal back to the committee on Liquor Traffic would be a farce, and secondly, it is a mere trick and cannot accomplish any good whatever. I wish the delegates would turn to Proposal No. 151. There are only two lines. It provides that the general assembly shall, at all times, have full power and authority to provide against the evils resulting from traffic in intoxicating liquors. I will read the section as it is in the constitution of 1851—this is known as the liquor section—and it is all that constitution says in reference to intoxicating liquors:

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

The reason I introduced this proposal was that I thought it would receive no objection from any quarter whatever. Now remember that all of the proposals—the King proposal, the report of the majority of the Liquor Traffic committee and the minority report of the Liquor Traffic committee—take section 18 out of the constitution of 1851. I want that fact thoroughly understood so there can be no mistake whatever about it, that all of the liquor proposals except No. 151, which we have found out will be postponed indefinitely, take from the constitution of 1851 section 18. Therefore they take from the constitution of 1851 everything relative to liquor traffic.

Mr. KNIGHT: Section 9, article XV of the constitution, contains the clause in question. Section 18 of the schedule is a mere temporary provision and the entire schedule is for a shifting over from the constitution of 1802 to the constitution of 1851. Is it not a fact then that the report of the majority of the committee leaves section 9 of article XV of the constitution just as it has stood since 1851?

Mr. ANDERSON: I will answer that by referring to section 18 of the schedule, because in the law books, with one exception, it is spoken of in that way, and I shall shortly read some decisions from the supreme court of Ohio. But I repeat that the language, "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the general assembly may, by law, provide against the evils thereof," is all that the constitution of 1851 says with reference to the liquor traffic.

Remember this is to be put up as a separate submission and a separate proposition and I say that the report of the majority, as well as the report of the minority, takes out of the constitution all reference to the liquor traffic.

Mr. WINN: Does not the minority report specifically put in section 18 under the head of section 9, article XV?

Mr. ANDERSON: It does not. You attempt to do it, but you do not succeed. But I do not care to direct my remarks to that part of this subject.

To answer your question more fully, you provide in your minority report, if I read it correctly and understand it, that the power to regulate the evils arising from the traffic in intoxicating liquors shall be within the police power. That is the wording of your minority report. And it means much less than is now in the constitution. But I do not care to go into that. It is not a limitation now on the police power and the supreme court in their decisions so state. They say it is a special enactment of the framers of the constitution.

It must be remembered that we can adopt Proposal No. 151 and it will in nowise interfere with the license of the liquor traffic. In other words, it does not in any way interfere with or affect that, and I appeal to Judge King, if I am permitted to do so under our rules, to state that I am entirely correct in this regard that

Traffic in Intoxicating Liquors.

we can adopt No. 151 and not in any way interfere with the separate submission of the question with reference to license, and my only purpose therefore was to preserve that which everybody before we came here told us could be preserved, the regulatory temperance laws that are now on the statute books.

Let me read to you what was said in this sheet or pamphlet on license which the brewers distributed out in the state before election, and I read from page 11, under the heading of "A Mistaken Notion:"

The present constitution provides, after prohibiting the license of saloons, that the legislature may pass laws to regulate the traffic.

Referring to section 18:

The no-license provision and the regulatory clause are part of the same article. Therefore, because the people are seeking the erasure of the no-license clause, it is thought to convey the impression that they are likewise seeking to eliminate the regulatory clause from the constitution.

Now the regulatory clause of the constitution is just what is contained in Proposal No. 151, no more and no less.

It is proposed that if the license system is inaugurated it shall carry with it full power in the legislature to enact, at the same time, any law in addition to those already existing.

That is, the license pamphlet which was sent out said that they did not, in any way, want to interfere with any of the laws regulating the liquor traffic that we now have on the statute books, that it was their desire only to take out of section 18 that part which pertains to license, or what is known as the no-license clause, which goes down to the comma—"No license to traffic in intoxicating liquors shall be granted hereafter in this state." It was their desire to eliminate that, but to allow the remainder of that clause in the constitution of 1851 to remain.

Now, I took them at their word—I may have been gullible. I may have been foolish to believe that, but I took them at their word. Consequently I drew Proposal No. 151, and what do I find? Are they willing to have the regulatory clause remain in the constitution? No; they want it taken out.

Now let me see whether it is necessary or not; but before I do that I want to call your attention to the so-called King Proposal No. 4. I read commencing with line 11:

License to traffic in intoxicating liquors shall hereafter be granted in this state, and license laws shall be passed to regulate and restrict the said traffic and shall be operative throughout the state, provided that where the traffic is prohibited under laws applying to counties, municipalities, township or residence districts, the traffic shall not be licensed * * *

You will notice that the word "state" is omitted. Let me refer again to this official proposal of the wets before election:

It is proposed that if the license system is inaugurated it shall carry with it full power in

the legislature to enact, at the same time, any law in addition to those already existing.

In other words, don't take away from the laws we now have, but add to them.

The King proposal takes away from the laws we now have, for under it we can not have state-wide prohibition. Our supreme court has said so. If the King proposal becomes a constitutional provision you can not have state-wide prohibition as you now can have it without changing your constitution. It makes no difference whether nine-tenths of the people want state-wide prohibition, if the King proposal becomes the organic law of the state of Ohio, you can not have it except in one way and that is by piece-meal, county by county. In other words, you would have to have eighty-eight different elections to have state-wide prohibition under the King proposal. You can have it now under one election.

So instead of being truthful in this matter and leaving the laws as they were, the wets not only refused to recommend No. 151, but they do recommend that which reduces the laws which we now have to regulate the liquor traffic.

Let us see what our supreme court has said on this matter, and I do not ask you to take my word for it at all. I read now from 39 Ohio State, page 410, State vs. Frame:

If, in the judgment of the general assembly, it be necessary, in order to prevent evils resulting from the traffic, that the sale and use of intoxicating liquors as a beverage be absolutely prohibited, we can see no constitutional ground under which such exercise of its judgment and discretion can be reviewed.

So our supreme court has decided that under the laws, as they now stand, we can have state-wide prohibition. The King proposal prevents it.

Mr. TALLMAN: Could not the legislature submit and could not the people vote at one election for state-wide prohibition?

Mr. ANDERSON: If the King proposal becomes a law?

Mr. TALLMAN: Yes.

Mr. ANDERSON: No, sir; and Mr. King will not claim that himself. He has fully explained his position in the committee.

Mr. TALLMAN: The people are the source of all power.

Mr. ANDERSON: The people are not the source of all power when the constitution says differently.

Mr. THOMAS: If Proposal No. 151 were added to the King proposal, would that prevent or make it possible to take a vote for state-wide prohibition?

Mr. ANDERSON: That is a good question and let me answer it. You notice that if "For license" carries, this section 18—the proposal about which I am talking—will not be in the constitution. Read it and you will see. If on the other hand "Against license" carries, you will have it, but you won't need it. The point I am trying to make is, that if "For license" carries, you need section 18, the regulatory clause, in our constitution and you won't have it. That is the point I make. Have I answered the question?

Traffic in Intoxicating Liquors.

I read from the syllabus of 44 Ohio State, page 539:

It is competent to the general assembly of the state to impose a tax of the business of trafficking in intoxicating liquor as a means of providing against evils resulting therefrom.

One of the points I am trying to make is to call attention to the fact that every decision from the supreme court uses exactly the same language I have used in Proposal No. 151. Again I read from page 563:

Whatever limitations may exist upon the power of the general assembly to levy taxes upon vocations in general, the framers seem to have removed any as to this traffic. With the exception of lotteries, which are prohibited, it is the only business of the citizen that they thought proper or necessary to designate as a source of evils, and in so doing they specifically empower the general assembly to regulate these evils.

In other words, that by reason of the language used in Proposal No. 151 it was held by our supreme court in the language I have just read that it gave to the general assembly this power.

Reasoning from that language, it would seem that if this language is not contained in the constitution the general assembly does not have the power—police power or no police power.

Again I read from page 567:

Term the power conferred in section 9, article XV (section 18 of the schedule), what you may, and it can not, we think, be denied that, if the imposition of a tax upon the traffic in intoxicating liquors will have a tendency to reduce the evils resulting from the traffic, its imposition must be regarded as a legitimate exercise of the power therein conferred.

You notice the language again. The very language of Proposal No. 151.

Again I read from 46 Ohio State, case of Gordon vs. The State, page 607, syllabus:

The act entitled "An act to further provide against the evils resulting from the traffic in intoxicating liquors, by local option in any township in the state of Ohio", passed March 3, 1888, is not in conflict with the constitution, and is a valid law.

Now, mark you, these gentlemen back of the King Proposal No. 4, who are apparently so anxious to be regulated—not now, but at some time in the future—are the very men who carried all of these regulatory statutes to the supreme court so that they would not have to be regulated.

"No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the general assembly may, by law, provide against the evils resulting therefrom." If you will notice Proposal No. 151, that is exactly the language I use, "but the general assembly may, by law, provide against the evils resulting therefrom."

What is meant by this last clause? What was it intended to mean? Why was it put into the section

or the constitution? It does not necessarily imply that prohibition was not contemplated by the first clause of the section; but it simply indicates that the framers of the constitution knew that intoxicating liquors had been, and therefore would probably continue to be, drunk as a beverage, and while they had provided against the state granting a license to that effect, they further desired to clothe the general assembly with constitutional power to legislate against the evils which they supposed and believed would result from the traffic notwithstanding the prohibition against license. But to what extent has this power been given? It is not specifically pointed out how it is to be exercised, nor are there any special limitations upon its exercise. It is a special power given to the general assembly to provide by law against certain things—to-wit, "the evils resulting from the traffic in intoxicating liquors."

Consequently, according to our supreme court, the power of the general assembly to legislate against the evils thereof, constitutionally speaking, is predicated upon the last part of section 18, or Proposal No. 151.

Now, I am going to give you the legal definition of the word "license", because its meaning has been legally determined in Ohio, and you will find this definition given by Judge Okey in 38 Ohio State, page 206:

Permission granted by some competent authority to do an act, which, without such permission would be illegal.

Let me again repeat at the expense of being tiresome that No. 151 can be in our constitution, not voted upon separately, because there is no need of voting on that separately, if the wets have told the truth in this matter, because all the service it can do is to keep intact the regulatory temperance laws that we now have. They can permit any kind of a license proposition, they can have any kind of a license in Ohio, provided that license clause written into the constitution does not prevent or hinder the laws we now have.

Mr. WATSON: Under Proposal No. 154, the general assembly may license—

Mr. ANDERSON: It has nothing to do with license whatever. It does not interfere with license. It does not prevent separate submission.

Mr. WATSON: Suppose we adopt No. 151? Then the general assembly could issue license.

Mr. ANDERSON: If you take the first part of that sentence out of the constitution, "No license to traffic in intoxicating liquors shall hereafter be granted in this state," it could.

Mr. WATSON: Then under that proposal the general assembly could allow license.

Mr. ANDERSON: As long as the first part is in they can not, but without it they can. But this has nothing to do with license. Now, why should I prefer this language to the language of Mr. King in his Proposal No. 4?

First, because his language—I don't mean his, because it is not his language—I would not want to charge him up with the language used in Proposal No. 4.

Mr. FESS: Whose language is it?

Mr. ANDERSON: I don't know. Mr. King has never told me. The language I am about to read is

Traffic in Intoxicating Liquors.

that which, if license carries under the King proposal, takes the place of the language used in No. 151:

License to traffic in intoxicating liquors shall hereafter be granted in this state, and license laws shall be passed to regulate and restrict the said traffic and shall be operative throughout the state, provided that where the traffic is prohibited, under laws applying to counties, municipalities, townships or residence districts, the traffic shall not be licensed in such of said local subdivisions so long as the prohibition of the said traffic shall be operative therein.

Now what law will be operative therein? The present law. There is nothing in this language about laws hereafter to be passed so far as I have read.

It means that just so soon as any county now dry votes wet, you can never vote that county dry again because it comes under the license clause of the King proposal. Now here is some further language of that King proposal:

Nothing herein contained shall be so construed as to repeal or modify such prohibitory laws or to prevent their future enactment, modification or repeal, or to repeal or to prevent the repeal of any laws whatever now existing to regulate the traffic in intoxicating liquors. 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.

Now I want to tell you that I prefer the language the supreme court has interpreted time and time again—we know just what that means—to the language of the King proposal. Why give up the substance for the shadow? Why should we trade what we have for the language used in the King proposal? If these men were honest when they said they did not want to interfere with the regulatorial laws we now have, if that is an honest statement from them—and when I say them I mean the brewery interests; I don't mean any delegate on this floor—why is this effort made to do away with the regulatorial laws? If they mean what they said before the election, if they mean what they said when they came down here, that they are willing we shall retain all of these regulatorial temperance laws, then this motion to refer back to the committee ought to be voted down and the bill ought to be printed and engrossed in regular order and let every man have an opportunity to study it and let him consult a lawyer and find out whether I am right.

I do not believe in this trickery of referring back to the Liquor Traffic committee, which has already passed on it. Do you expect to get anything different from them in the future? Do you expect these gentlemen to change heart? Gentlemen, I hope the motion to refer back to the Liquor Traffic committee will be defeated and this bill will be engrossed or printed.

Mr. DOTY: I think that the proposition made by the gentleman from Mahoning county shows that this measure of his is of sufficient importance to be preserved. If this motion should be voted down the next question before the Convention at once is upon the en-

grossment of Proposal No. 151. The question of engrossment is immediately up, and it precipitates at this time the discussion of the whole liquor question as much as if the King proposal were up in regular order. So far as I am concerned I have no particular preference about what committee this resolution goes to. It may go to the committee of the Whole instead of the standing committee on Liquor Traffic. I am trying to avoid having this main question of liquor traffic before us this evening at a time when many of the members are absent, not having expected the question to come up. It is hardly fair to them.

Mr. ANDERSON: You do not mean that it would be unfair to the absent members to permit this to be engrossed and come up at some future time for discussion. Let me ask what disadvantage it would be to any absent member if this were engrossed?

Mr. DOTY: What advantage would it be to you if it were engrossed?

Mr. LAMPSON: This is an entirely new matter.

Mr. DOTY: It is all new to me.

Mr. LAMPSON: What harm would it do to let it be engrossed and put on the calendar for a second reading? It would not have behind it the report of any committee, but it would simply stand there and we could postpone it or put it off as we see fit.

Mr. DOTY: Put it off; I have no objection to it.

Mr. LAMPSON: I suppose the committee has considered it. I didn't hear exactly what the chairman said—

Mr. DOTY: The committee on Liquor Traffic has been charged with several duties by this Convention and among them was consideration of Proposals Nos. 4 and 151 and several others. They have been laboring industriously, as could be testified by others of us who have endeavored to get them to attend committees that we are on. Now they have brought in a report on the first proposal introduced. The other proposals I suppose will be reported in due order.

Mr. ANDERSON: Did you hear what the chairman said when he handed in his majority report? He said that they intended to report this and all other proposals in the morning with the report from the committee that they should be indefinitely postponed. Therefore, they have given full consideration and have decided on this proposal of mine.

Mr. DOTY: I have not heard the chairman of the committee say what they were going to do.

Mr. ANDERSON: The gentleman should listen so as to be able to tell the truth.

Mr. DOTY: Does the gentleman charge that I am not?

Mr. ANDERSON: I am not charging anything. I am simply giving what the chairman of the committee said when he was handing in his report, which you do not seem to have heard. That is what he said. He said he would report this and all other proposals before them with the expression that they should be indefinitely postponed.

Mr. DOTY: I have heard chairman say that they had things that they could not agree on or they could agree on or that they were going to do so and so and then not do it.

Traffic in Intoxicating Liquors.

Mr. ANDERSON. He said the committee had agreed on this.

Mr. DOTY: I didn't hear him say that, but be that as it may, the matter is still in the hands of the committee and the other matters are still in the hands of the committee. What will be the result if you return this to the committee on Liquor Traffic? The matter may be in their hands for the next two weeks. It can not stay there longer against the demand of the gentleman from Mahoning [Mr. ANDERSON]. That is the longest it can be there. In the meantime we are going to discuss the whole liquor question a week from tomorrow on the question of a substitute. On second reading that can not come before the house until a week from Thursday. I have no objection to postponing this to some time subsequent to the action on Proposal No. 4. I have no desire to smother this proposal. The gentleman from Mahoning [Mr. ANDERSON] has made an able address and has shown us that we ought to consider it.

Mr. ANDERSON: Don't you know that Proposal No. 151 comes up in logical order before the King Proposal No. 4 is disposed of, so that we can know whether the regulatory clause will be preserved?

Mr. DOTY: All I know about Proposal No. 151 I have learned from the able speech of the gentleman from Mahoning [Mr. ANDERSON]. It was a very able speech and gave me a good deal of information, but the liquor question is too big for me to grasp in thirty minutes. I know that the committee, after considering all of these proposals, have brought in a report upon Proposal No. 4 and I want that voted up or down before tackling anything else. When that is disposed of I am willing to tackle something else. My motion preserves the life of No. 151. It does not compel the committee to bring in an adverse report tomorrow. It may come up and the gentleman from Mahoning may be right, and when Proposal No. 4 comes up he can offer his as an amendment or substitute for No. 4 and we can consider it then. This is no time to precipitate long speeches on the wet and dry question. That question has been going on for thirty years and we can't settle it in half an hour. I say it is not the time to bring up the matter just now.

Mr. WORTHINGTON: Would a motion be in order to refer to the committee of the Whole?

Mr. DOTY: It would and it would take precedence of my motion, and if the gentleman wishes I will make that motion.

Mr. WORTHINGTON: Then if we refer it to the committee of the Whole, it may be considered with Proposal No. 4?

Mr. DOTY: If referred to the committee of the Whole they can consider it any time they choose.

Mr. ANDERSON: But they may never go into the committee of the Whole on it.

Mr. WORTHINGTON: The committee of the Whole is under the orders of the Convention and the Convention can direct them what to consider and when, I suppose.

Mr. DOTY: That is right, and such a motion would take precedence over the motion that has been made.

Mr. HARRIS, of Ashtabula: The whole question

may be considered in the Convention and not in the committee of the Whole.

Mr. DOTY: That is possible.

Mr. HARRIS, of Ashtabula: Then if that is sent to the committee of the Whole it could not come up at any time?

Mr. DOTY: Not unless the Convention would so order it.

Mr. HARRIS, of Ashtabula: I ask this so we can understand it before we get too far.

Mr. DOTY: You are both right.

Mr. FESS: As I understand the situation, this proposal has been called from the committee and it is before the house now, and if you refer it back to the committee that committee can keep it as long as it wants to.

Mr. DOTY: Only two weeks.

Mr. FESS: I believe it would be fair to everybody to make a motion to have this referred to the committee of the Whole. That will take precedence over the other motion to refer and it can come up at any time the house directs. Therefore, I move that instead of the matter being referred back to the committee on Liquor Traffic, that it be referred to the committee of the Whole at the order of the Convention whenever the Convention directs.

Mr. ANDERSON: A point of order. I have not made a study of the rules yet and I may be mistaken, but what is the motion?

The PRESIDENT PRO TEM [Mr. HALFHILL]: The gentleman from Cuyahoga [Mr. DOTY] moved that Proposal No. 151 be referred to the committee on Liquor Traffic. The motion by the delegate from Greene [Mr. FESS] is to refer that proposal to the committee of the Whole.

Mr. ANDERSON: I make the point then that the gentleman from Greene is out of order. There is already a motion pending.

The PRESIDENT PRO TEM: The motion of the gentleman from Greene is not only in order, but it takes precedence.

Mr. ANDERSON: Will you refer me to the rule? I would like to learn it.

The PRESIDENT PRO TEM: The question before the house is on referring Proposal No. 151 to the committee of the Whole.

Mr. NYE: Would it not be better and fairer to everyone to have all of these questions postponed until a week from tomorrow when the other liquor questions will be discussed before the house? It seems that should be done and not table some and refer others to some one committee and still others to the committee of the Whole.

The PRESIDENT PRO TEM: The question is now on referring the matter to the committee of the Whole.

Mr. FESS: I ask the privilege of a statement from the chairman of the committee on Liquor Traffic as to why this can not take the same course as all the other proposals.

The PRESIDENT PRO TEM: If there is objection the gentleman is not in order.

Mr. FESS: I merely want an agreement on the part of the committee that all these measures shall be postponed and considered together.

Traffic in Intoxicating Liquors.

Mr. LAMPSON: I desire to call attention to Rule 49:

When a motion is made to commit, if more than one committee is suggested, the motion shall be put upon the committees suggested, in the order in which they are named; but a motion to refer to the committee of the Whole, to a standing committee, or to a select committee, shall have precedence in the order here named. A motion to commit may not be reconsidered.

The PRESIDENT PRO TEM: So the chair understood.

Mr. BROWN, of Highland: I rise to suggest that I have conceived the notion that the friends of Proposal No. 151 would like to have it considered in connection with Proposal No. 4. If No. 151 is submitted to the committee of the Whole that would be impossible, because we can not have a consideration by the Convention and also a consideration by the committee of the Whole together. I would suggest to the gentleman who made that motion, if he wishes them considered together, to change the form of his motion.

The PRESIDENT PRO TEM: The question is on referring No. 151 to the committee of the Whole. Are you ready for the question?

Mr. ELSON: It seems to me that these should not be considered together. They are unlike. It has been clearly stated on this floor by the gentleman from Mahoning [Mr. ANDERSON] that Proposal No. 151 may go into the constitution whether or not Proposal No. 4 is adopted and that it will make no change from the present provisions of the constitution of 1851. Why, then, should we not first consider Proposal No. 151 and dispose of it and then consider Proposal No. 4 afterwards? It does not affect No. 4 one way or the other. I think by all means Proposal No. 151 should be considered before Proposal No. 4 is disposed of.

Mr. ANDERSON: Assuming I am right when I say that it in no way interferes with the separate submission of the license clause—suppose I am right, that it is the only language so far proposed in any of the proposals that will keep intact the laws we now have in reference to intoxicating liquors, then it ought not be considered with the King proposal nor after the King proposal. It ought to be submitted before because, as well suggested by the gentleman who just quit the floor, it goes into the constitution itself and is not separately submitted. I think this motion to refer to a graveyard with a large tombstone already erected, or to some other committee where there are many tombstones already erected, should be voted down. I think this should be engrossed so as to give the delegates an opportunity to see whether my position is right or not, and then, after that is determined, there is plenty of chance to get into the committee of the Whole. I do not want it to be killed by reference to the Liquor Traffic committee now.

The PRESIDENT PRO TEM: The question is on the motion to refer to the committee of the Whole and all those in favor—

Mr. ANDERSON: I demand the yeas and nays.

Mr. ELSON: I do not see any reason why we should object to the printing of this proposal. Why not let it be engrossed and go upon the calendar, and then

we can leave it upon the calendar for a second reading and we won't do anything else with it except what the Convention orders? The Convention has all power in the matter. Some of us who have not had opportunity to read it carefully would like to see whether the gentleman from Mahoning [Mr. ANDERSON] is right in his contention. When it is put on the calendar we can do absolutely what we want to with it, but we will then have an opportunity to study it and see what there is in it.

Mr. KING: While I am not particularly against the proposition of the gentleman from Ashtabula [Mr. LAMPSON], I am firmly convinced that the subject proposed in No. 151 is the liquor question and that all should be considered together, and whatever proposals are adopted should be in one proposal or alternative proposal, if you please to call it such. I do not believe in scattering this liquor question all over the constitution from the preamble to the last word. The subject ought to be considered and decided by the Convention with the full understanding of every member's notion about it. The subject, however, is one subject, and it ought to be treated in some logical manner in the constitution when we finally get through with it. I do not know that it is at all objectionable to have it engrossed.

Mr. ANDERSON: That is all I want.

Mr. KING: We can not prevent it coming up in some form or other.

Mr. LAMPSON: Would the gentleman object to postponing it until Tuesday next?

Mr. KING: I would not.

Mr. LAMPSON: The same day fixed for the general discussion?

Mr. KING: I would be very much in favor of it.

Mr. LAMPSON: And would you consent to having it engrossed?

Mr. DOTY: No.

The PRESIDENT PRO TEM: The gentleman from Erie has the floor.

Mr. ANDERSON: Will you allow a question?

Mr. KING: Yes.

Mr. LAMPSON: Is there anything in No. 151 that in any way interferes with the license clause of the present constitution?

Mr. KING: I decline to take up this question now.

Mr. ANDERSON: Have you any objection to it being engrossed?

Mr. KING: I have just said I have not.

Mr. LAMPSON: Then if Mr. King has no objection, let it be engrossed and then I shall have a motion.

Mr. DOTY: Now, let us not get so rapid on this as to get one of them engrossed and the other not engrossed. We haven't got up to engrossing No. 4 yet. Let us keep them together. I have no objection to the postponement of No. 151 until 11:45 or 11:50 a week from tomorrow. I would be in favor of that, and then the question will come up whether we will engross one or the other or both. You are trying now to get this one engrossed and the other not.

Mr. KING: Do I understand that Proposal No. 4 cannot be engrossed until the Convention shall have

Traffic in Intoxicating Liquors.

disposed of the minority report and any other motion may be made to amend it?

Mr. DOTY: Sure; you are exactly right.

Mr. FESS: With the understanding that the Convention is willing to postpone this matter and have it engrossed later, I should like to withdraw my motion to refer it to the committee of the Whole if the second will agree?

Mr. DOTY: I did not second it.

The PRESIDENT PRO TEM: Is there any objection to the withdrawal of the motion to refer it to the committee of the Whole?

Mr. FESS: I make this suggestion upon the condition that they are agreed upon the question.

The PRESIDENT PRO TEM: No condition was engrafted when the motion was made. Now do I understand that both of these proposals are withdrawn?

This was agreed to without objection.

Mr. DOTY: I now move that the question of engrossing No. 151 be postponed until a week from tomorrow and made a special order for 10:50. What I am trying to do is to get them both on the same day.

Mr. ANDERSON: But they are not fixed for the same time and I would rather have them fixed for the same time.

Mr. DOTY: You can not have two things made a special order for the same time.

The PRESIDENT PRO TEM: Both of the former motions have been withdrawn and the gentleman from Cuyahoga [Mr. DOTY] will please repeat his motion.

Mr. DOTY: I move you that further consideration of the question of engrossing No. 151 be postponed until a week from tomorrow and be made a special order for 10:50 a. m.

Mr. KING: I second the motion.

Mr. ANDERSON: What are you doing as to the King proposal? When is it a special order for?

Mr. DOTY: It is a special order for the same day, five minutes ahead of this.

Mr. ANDERSON: But they will have to get through the King proposal before they take up this. I am opposed to that.

Mr. DOTY: You hold your place until the King proposal is out of the way and then you are reached.

Mr. ANDERSON: Exactly; and that is what I don't want. I think this motion ought to be voted down. I want each member to have an opportunity to study the constitution and find out just what No. 151 means. Proposal No. 151 ought not to be coupled up with the King proposal because the King proposal, both majority and minority reports, looks toward separate submission to the voters.

Proposal No. 151 does not look to separate submission at all. It is a thing that ought to be taken up and disposed of before any separate submission clause should be considered, because it bears very largely on these proposals. I think in all fairness every man here who has pledged his constituents that he would do all he could to keep upon the statute books the regulatory clauses we now have ought to be faithful and true to those constituents.

Mr. LAMPSON: I move that the further consideration of the matter be postponed until 10:40 Tuesday of next week.

Mr. DOTY: The rule provides that when two times are proposed, the longest should be put first and the longest time is 10:50.

Mr. LAMPSON: That is correct. The vote should be first on 10:50 if the gentlemen insist.

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

The PRESIDENT PRO TEM: The yeas and nays are demanded. The question is on postponing this matter until 10:50 a. m. of next Tuesday.

Mr. KING: That means just behind the King proposal?

Mr. DOTY: It means just after the King proposal.

Mr. LAMPSON: If that motion is voted down the question will then be upon my motion to refer it until 10:40 of that day?

The PRESIDENT PRO TEM: Yes.

Mr. FESS: May I move to amend by striking out 10:50 and inserting for it 10:40?

Mr. LAMPSON: That is exactly my motion, which will be voted on after this is disposed of.

The PRESIDENT PRO TEM: The question is on the motion of the gentleman from Cuyahoga [Mr. DOTY] to postpone until next Tuesday at 10:50. On that the yeas and nays are demanded and the secretary will call the roll.

The yeas and nays were taken, and resulted—yeas 41, nays 67, as follows:

Those who voted in the affirmative are:

Bowdle,	Hahn,	Redington,
Brown, Lucas,	Halenkamp,	Riley,
Brown, Pike,	Harris, Hamilton,	Roehm,
Cody,	Harter, Huron,	Shaffer,
Cordes,	Hoffman,	Smith, Hamilton,
Davio,	Keller,	Stalter,
DeFrees,	King,	Stamm,
Doty,	Kunkel,	Stilwell,
Dwyer,	Leslie,	Stokes,
Earnhart,	Ludey,	Tallman,
Fackler,	Marshall,	Thomas,
Farrell,	Moore,	Ulmer,
Fitzsimons,	Peck,	Worthington.
Fox,	Price,	

Those who voted in the negative are:

Anderson,	Harris, Ashtabula,	Norris,
Antrim,	Harter, Stark,	Nye,
Baum,	Henderson,	Okey,
Beatty, Morrow,	Holtz,	Partington,
Beatty, Wood,	Hursh,	Peters,
Beyer,	Johnson, Williams,	Pettit,
Brattain,	Kehoe,	Read,
Brown, Highland,	Kerr,	Rockel,
Cassidy,	Kilpatrick,	Shaw,
Collett,	Knight,	Smith, Geauga,
Colton,	Kramer,	Solether,
Crites,	Lambert,	Stevens,
Cunningham,	Lampson,	Stewart,
Donahay,	Leete,	Taggart,
Dunlap,	Longstreth,	Tannehill,
Dunn,	Marriott,	Tetlow,
Elson,	Matthews,	Wagner,
Evans,	Mauck,	Walker,
Farnsworth,	McClelland,	Watson,
Fess,	Miller, Crowford,	Weybrecht,
Fliuke,	Miller, Fairfield,	Winn,
Halfhill,	Miller, Ottawa,	Wise.
Harbarger,		

The roll call was verified.

Traffic in Intoxicating Liquors — Resolution Commemorative of Birth of Lincoln—Newspaper Correspondents.

The PRESIDENT PRO TEM: The motion is lost and the question now recurs to the motion made by the gentleman from Ashtabula [Mr. LAMPSON]. Will the gentleman please state his motion again?

Mr. LAMPSON: The motion is that the question of engrossing Proposal No. 151—the further consideration of it—be postponed until next Tuesday and made a special order for 10:40.

Mr. DOTY: I move that the Convention adjourn. The motion was seconded.

Mr. KILPATRICK: I call for the yeas and nays on the motion to adjourn.

There were several seconds to this.

The PRESIDENT PRO TEM: Those in favor of the motion to adjourn will signify by saying aye and those contrary no.

The motion was lost.

Mr. KILPATRICK: Mr. President: A point of order—

Mr. LAMPSON: I call for a vote on my motion and I demand the yeas and nays.

The PRESIDENT PRO TEM: The yeas and nays are demanded on the motion of the gentleman from Ashtabula [Mr. LAMPSON] and the secretary will call the roll.

The yeas and nays were taken, and resulted—yeas 78, nays 30, as follows:

Those who voted in the affirmative are:

Anderson,	Harris, Hamilton,	Partington,
Antrim,	Harter, Huron,	Peck,
Baum,	Harter, Stark,	Peters,
Beatty, Morrow,	Hoffman,	Pettit,
Beatty, Wood,	Holtz,	Price,
Beyer,	Hursli,	Read,
Brattain,	Johnson, Williams,	Rockel,
Brown, Highland,	Kehoe,	Shaw,
Brown, Pike,	Kerr,	Smith, Geauga,
Cassidy,	Kilpatrick,	Solether,
Collett,	Knight,	Stevens,
Colton,	Kramer,	Stewart,
Crites,	Lambert,	Stilwell,
Cunningham,	Lampson,	Stokes,
Donahy,	Leete,	Taggart,
Dunlap,	Longstreth,	Tallman,
Dunn,	Marriott,	Tannehill,
Elson,	Matthews,	Tetlow,
Evans,	Mauck,	Thomas,
Fackler,	McClelland,	Wagner,
Farnsworth,	Miller, Crawford,	Walker,
Fess,	Miller, Fairfield,	Watson,
Fluke,	Miller, Ottawa,	Weybrecht,
Halfhill,	Norris,	Winn,
Harbarger,	Nye,	Wise,
Harris, Ashtabula,	Okey,	Worthington,

Those who voted in the negative are:

Bowdle,	FitzSimons,	Marshall,
Brown, Lucas,	Fox,	Moore,
Cody,	Hahn,	Redington,
Cordes,	Halenkamp,	Riley,
Davio,	Henderson,	Roehm,
DeFrees,	Keller,	Shaffer,
Doty,	King,	Smith, Hamilton,
Dwyer,	Kunkel,	Stalter,
Earnhart,	Leslie,	Stamm,
Farrell,	Ludey,	Ulmer.

The roll call was verified.

The motion was carried.

Mr. MARRIOTT: I move that we adjourn. Several delegates seconded it.

Mr. STILWELL: I ask unanimous consent to introduce a resolution.

The resolution was read as follows:

Resolution No. 70:

WHEREAS, This is the 103d anniversary of the birth of Abraham Lincoln, America's martyr to liberty, and the greatest character in all human history save one—the Man of Galilee; therefore, *Be it resolved by the Fourth Constitutional Convention of the state of Ohio*, Out of respect for his memory and our reverence for the principles he espoused, that we now adjourn.

The PRESIDENT PRO TEM: Will the gentleman withdraw his motion until some announcement can be made of some special orders?

Mr. STILWELL: Yes.

Mr. EVANS: I had a substitute proposal that I would like to get on the calendar.

The PRESIDENT PRO TEM: By unanimous consent it can be done.

The proposal was handed in.

Proposal No. 258—Mr. Evans. To submit an amendment to article V, sections 1, 2 and 3, of the constitution.—Relative to initiative and referendum.

The PRESIDENT PRO TEM: We will now hear a report from the president.

The report from the president was read as follows:

The president reports the following newspaper correspondents entitled to the privileges of the floor of the Convention:

- James W. Faulkner, Cincinnati Enquirer.
- A. C. Crouse, Cincinnati Post.
- Allen E. Beach, Ohio State Journal.
- Herbert R. Mengert, Ohio State Journal.
- Paul Moffett, Cincinnati Enquirer.
- C. C. Lyon, Scripps-McRae League.
- Frank H. Ward, Scripps-McRae League.
- H. P. Boynton, Cleveland Press.
- Ralph G. Le Blond, Toledo News Bee.
- A. E. McKee, Cleveland Plain Dealer.
- John T. Bourke, Cleveland Leader.
- Carl D. Ruth, Cleveland Leader.
- Harry N. Blair, Cincinnati Commercial Tribune.
- Ralph Stickle, Cleveland News.
- Lucas J. Beecher, Toledo Blade.
- N. C. Wright, Toledo Blade.
- O. K. Shimansky, American Press Association and the United Press Association.
- Dennis Donovan, Columbus Dispatch.
- George T. Blake, Columbus Dispatch.
- Arthur C. Johnson, Columbus Dispatch.
- J. H. Galbraith, Dayton News.
- Ed. M. Tharp, Associated Press.
- Frank B. O'Bleness, Associated Press.
- T. L. Smith, Associated Press.
- W. W. Bond, Express and Westbote.
- Harry P. Brandon, New York Sun.
- S. D. R. Smith, United Press.

The PRESIDENT PRO TEM: The matter is now on the resolution of the gentleman from Cuyahoga [Mr. STILWELL].

Mr. LAMPSON: The resolution of the gentleman from Cuyahoga [Mr. STILWELL] is exceedingly ap-

Resolution Commemorative of Birth of Lincoln.

appropriate upon this anniversary of the birth of Abraham Lincoln and I want to pay that great man just a word of tribute, if I am permitted to do so.

Unanimous leave was given.

Mr. LAMPSON: I am acquainted with a lady now living in the city of Washington, the widow of General George Pickett, who was the hero of the Confederate charge at Gettysburg. Before the Civil War, when Abraham Lincoln was a member of the house of representatives, he was a friend of George Pickett. He recommended George Pickett for admission to West Point. Pickett was with Lee at the surrender of Richmond and after that little episode under the apple tree at Appomatox when Lee surrendered to Grant, Lincoln was in Richmond. Everything was in fearful condition and there were dreadful expectations. The wife of no Confederate general dare prophesy his fate. Lincoln started out to find the home of Pickett. He reached the house. The blinds were closed, the curtains were down. He rapped at the door; the door opened and there stood Mrs. Pickett with her little child scarcely six months old in her arms. The little baby looked up into the great kindly face of the Great Emancipator and stretched out its arms to be taken. Lincoln took the child, bestowed a kiss and a benediction on it and then turning to Mrs. Pickett said, "Tell George that I forgive all." [Applause].

Mr. EVANS: I would like to speak a moment on this resolution. I had the honor of voting for Mr. Lincoln and I voted in Davidson county, Tennessee, but my vote was counted at my home in Ohio. And my heart went with that vote. I want to say to you that we had been rejoicing at Knoxville, Tennessee, over the close of the war; we were carried away with joy. Then the news came that our beloved president had been assassinated; I say to you that I went behind my tent where nobody could see me, and I sat down and shed tears and I felt as if I had lost a father; for if I had lost my own father I could not have felt it more. I want to say that much in regard to Mr. Lincoln. [Applause.]

Mr. ELSON: Is it in order to tell Lincoln stories?

The PRESIDENT PRO TEM: Yes.

Mr. ELSON: It is well known that Mr. Lincoln was not very handsome. One time he was out in the woods and he saw a stranger with a gun walking toward him, and as the stranger came up to him he pointed his gun deliberately at Mr. Lincoln as if to shoot. Mr. Lincoln said, "What in the world are you going to do, are you going to shoot me?" The man said, "yes," and Mr. Lincoln said, "What for?" The man said, "I have been always told that if I ever met anybody uglier than I, I am to shoot him." Mr. Lincoln looked at the man well and said, "Well, shoot away stranger; if I am as ugly as you I don't want to live."

Mr. DEFREES: That is one of the greatest mistakes ever made about Abraham Lincoln, the talk about his ugliness. His face was rugged, but it was as sweet and as kindly as a woman's. And he had always a smile on his face. He stood in front of the White House when my regiment came through after I had had a long siege of sickness and he put his hand on me and he said, "Son, thank God you are going home alive."

Mr. FESS: I would like to say just a word about Mr. Lincoln. It was, I think, on the 11th day of Feb-

ruary, fifty-one years ago, that he stood on the platform of a car leaving Springfield, Illinois, and said good-bye to his neighbors. Fifty-one years ago today or probably tomorrow he was in Columbus, Ohio, and spoke to the legislature of this state. When he left his home he said, "No one can understand my feelings in leaving you unless he were in the position in which I am. I some way or other feel that I shall never see you again." Then he added, "If the people wish to pray for me, pray that the same arms that supported Washington will support me." When he got to Indianapolis he addressed the state legislature there and then he went to the little town of Toronto, where the train stopped to take water. Lincoln was called for. Not expecting to speak he said, "Fellow citizens, I am upon a journey fraught with a great deal of concern to you and to me. May the words of the poet still be true, "Behind the clouds the sun's still shining. Good-bye; God bless you." He spoke in Cincinnati and he spoke in our city here, and when the train reached Steubenville he said, "Only the river runs between us, and you are just as sincere on the other side of the river as we are on this side. Yet even sincerity is no justification of an attempt to destroy the best government that ever existed." He spoke also in Pittsburg and then the train went to Cleveland, where he spoke, and then in Buffalo; then a line of speeches from Buffalo to New York city. At Albany he delivered an address to the legislature of that state and then the train came down to Philadelphia, and just outside of Independence Hall in the sidewalk today you will see a table upon which is written, "Upon this spot stood Abraham Lincoln on the 22d day of February, 1861, and delivered an address and raised the flag over the hall." It was in that address that he said:

"What principle has kept our states so long together? It is not the simple fact of separation from the mother country. It is a principle that was penned in the Declaration of Independence that was adopted in this hall that gave promise, not alone to the people of our own country but to the people of all the world, that ere long the weight will be lifted from the shoulders of all men and all shall have an equal chance. Now, my fellow citizens, can this nation be saved upon that basis? If it can, and I can help to save it, I am the happiest man in it. If it cannot, I was about to say, I would rather be assassinated on this spot than to surrender the principle."

Then he came down and spoke in Harrisburg, and at that city the plan was made to change the schedule and he landed in Washington six hours before he was scheduled, and, I think, assumed duties of government which were the heaviest weight that any man ever assumed, not excluding our first great president. I know of no other character that so stirs my soul as the beautiful spirit of our first great martyred president, and I am glad that Mr. Stilwell has put it in words that we should honor him before we adjourn this meeting. It is very appropriate.

The PRESIDENT PRO TEM: The question is on the adoption of the resolution as read by the secretary. The resolution was adopted. The Convention adjourned.