HOUSE OF REPRESENTATIVES
41ST GENERAL ASSEMBLY: STATE OF ILLINOIS.

COMMITTEE ON JUDICIARY.

HEARING ON LOCAL OPTION BILL,

Wednesday, April 5, 1905, 2 o'clock p.m.

Held in the Judiciary Committee Room of the House of Representatives.

TRANSCRIPT OF SHORTHAND RECORD.

Daisy Mullen,
Shorthand Reporter,
Springfield, Illinois.
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Chairman Castle

Gentlemen: We will now take up Senate Bill 96 where we left off. I have given Mr. Anderson 15 minutes for rebuttal. We will hear now from Mr. Anderson.

Mr. Anderson

Gentlemen of the Committee: As the purpose of this is not to bring in anything new I shall confine myself very closely indeed to certain specific points. There have been a great many things that have been brought out in this hearing by the opposition, that have been rather foreign to this local option bill. You know whether or not they are relevant, and being attorneys at law, you understand perfectly if they are not relevant why they are probably brought in. It has been stated that the sentiment which seems to exist in favor of this bill is manufactured sentiment. I would merely suggest that to say the least it is not complimentary to the good judgment of the constituencies which sent you here for the opposition to argue that they could be stampeded by what, in the absence of real sentiment, would be the cheapest kind of clap trap; and further it is assuming a great deal, taking a great deal for granted, to assume that the members of this committee are not able to see the point that the question is not how sentiment came about but whether as a matter of fact it really exists at the present time. Further if it be true that this is manufactured sentiment, then the referendum clause on the bill would be sufficient to cure such a situation. I would suggest, however, with reference to that question of manufactured sentiment, that the sentiment has existed heretofore
in the state and as brought out by Mr. Burke it has been 

defeated by organization. I read you now from the resolutions 
of the 22nd annual Convention of the Illinois Retail Liquor 

Dealers Association as printed in the Champion of Fair Play.

"This organization arose in the enactment in 1872, (it should be 74) by the Illinois Legislature of the most 

unjust and oppressive law entitled "The Dram Shop Act".

Considerable was made by the opposition of the 

statement put into Mr. Burke's mouth that this association 

is criminal. Mr. Burke explained fully that his words meant 

that any association which is formed for the purpose of 

deliberately violating the law with impunity is criminal.

I have here the Champion of Fair Play, the official 

organ of the Retail Liquor Trade in this state, published in 

Chicago, of date September 24th, 1904, the number which 

contains the official publication of the proceedings of the 

25th Annual Convention and from the front page of that paper 

under the head "What the Illinois Association has accom-

plished", I will simply read on that point this: "The laws 

in this state governing the liquor trade are so severe that 

there is not a licensed saloon keeper in Illinois that does 

not lay himself liable to prosecution under the law a dozen 
times each day. Had they been one of the unfortunates and 

arrested for selling to a minor they would have been obliged 
to go to the expense of engaging an attorney and in all 

probability been fined $25, and costs. As a member of the 

association they have the services free. Had the fine been 
imposed it would have been appealed. Last year the associa-
tion won every appeal. There is no need of any further.
words on that particular point. Now on the question as to whether sentiment has existed or not I will read further from this article under, "This association . . . it has carefully watched the interests of the trade at large by preventing objectionable enactments becoming the law at the session of the legislature in Springfield". Reference is made to the last session and those who were here will appreciate this: "Furthermore at the last session of the legislature one of the most drastic local option bills ever presented to any legislature, (etc). The liquor dealers association succeeded in defeating it after a hard fight by all the cranks and fanatics in Illinois".

Further on that point whether this sentiment is real or has been manufactured, taken in connection with the statement made by the attorney for the retail liquor dealers, there is a local option law at the present time. I will read from the Champion of Fair Play the official organ of the liquor trade, under date of April 27th, 1901. "Fortunately Illinois has not a local option law. Otherwise the votes of the people at Salesburg would have been final, and the saloons would have been forced to close". This refers to those two elections up there where the people voted for no saloons and the council licensed them. "It may not generally be known to the liquor dealers of Salesburg that they can attribute their good luck to the liquor dealers association of Illinois. Four years prior to 1901 before the anti-saloon league was organized in this state
the Kiser local option law was presented, passed the House, and received first and second reading in the Senate. It was killed on third reading by the efforts of the Association."

Now then I presume it is true that these gentlemen did kill off this kind of legislation. They seem perfectly willing to admit it; but I am bringing up these things simply because it shows that there was sentiment for a local option law prior to the agitation in the present form. Now some of this is not absolutely germane to this issue; but it has been brought in in a way that might make it seem perhaps germane, and to seem we had avoided it in case we did not take it up.

Now if this committee reports out this bill without amendment, with a favorable recommendation, it would be for one of four reasons probably. First, because you approve of this particular bill. Second, because you believe the people do and waive your personal opinions. Third, perhaps because you believe more people are united on this proposition than can be united on any other, or, fourth, because you believe the people want the local option bill, and, under the circumstances, the passage of this bill in its present form is the only thing consistent with a reasonable probability of securing anything.

It is unfortunate that our distinguished friend, Judge Payne, who was as he explained called into this case on such short notice, a man so well and favorably known, who has been so honored by the better element of our citizenship, would not intentionally state anything that was a misrepresentation. Yet, if he had paid more attention to this bill perhaps, and perhaps a little less to the pamphlet which had months before been mailed to every member of this committee as well as the entire House, there are
some things he said he perhaps would not have said. For example he states that if he should offer a man liquor as an act of hospitality in his home he might be arrested under this bill. That is very clearly disposed of. On page 10, Section 13, you will note it says: "The giving... away... of any intoxicating liquor for the purpose of evading any provision of this act", and that means the provisions of this act are against selling. It says: "shall be held an unlawful selling", that is sufficiently explicit on that point. Now he suggests also that the election board of Chicago by enlarging precincts might create anti-saloon territory, but that is sufficiently set forth in Section 8 in connection with the other sections put in advisedly, "All the territory within a political sub-division which has become anti-saloon territory" etc. It does not say any political sub-divisions because that might possibly carry other conditions, but all the territory which has become anti-saloon territory. That matter is sufficiently taken care of.

This same question was raised about the enforcement section, and I submit to you that while it is perfectly proper to criticise these things yet it is hardly consistent, for example, for the brewer to complain that the passage of this bill will increase blind pigs, and in the same breath complain of the law enforcement sections that would perhaps prevent that very thing. As
to the precinct feature - the merits of the case - the precinct is as large as most of the smaller villages. It is an near a unit as can be gotten at. This would save the expense of a special election. Mr. Harris, the agent for the retail association, said there is no provision for reversal. He went on to say if there were, it was no good and wouldn't work. That reminds me very much of the men sued for damages to a kettle which he borrowed from his neighbor. His defense was three fold: First, that he never borrowed it; second, that he returned it in good condition; third, that it was damaged when he got it anyhow. How this proposition is fully taken care of as explained before the committee. I will not go into that further. It provides for a reversal of the vote of the district. It followed the annexion act as closely as possible, and I might say that that exercise of this power had been had within the city. Burnside for example, within the limits of the Hyde Park prohibition district, reversed the original condition under ordinance - under the terms of that annexion act. Something came up about the protection of the prohibition district. A gentleman from Cook said he was pledged to sustain the prohibition districts. It was suggested that Section 9 does not limit the territory which may reverse its vote; but Section 10 is most explicit. This was drawn with the consent of the Hyde Park Association. We co-operated with their counsel in preparing the draft of this bill in order that it
might thoroughly protect the rights of these districts. Under the present laws no liquor can be sold in those districts unless there is a change in the law which permits the issuance of licenses, and there is nothing in this bill which makes provision for that. It was suggested that the bill ought to work both ways. I do the gentleman, Mr. Harris, credit for not perhaps fully understanding what that would mean. It is the policy of all civilized governments with these things that cannot at the present time be entirely eradicated to prohibit them entirely in certain localities where desired and feasible, and to allow them in others under certain restrictions. There has been a great deal made of the word prohibition, but prohibition is the policy of the law in this state. In the case of the People v. Cregier 128 Ill., page 419, you will find that no affirmative act is necessary to bring about a condition of prohibition, that mere non-action on the part of those boards who have been given certain power... constitutes prohibition, and so in Illinois the sale of liquor is prohibited entirely except under the terms of a license, and this provision would entirely reverse the policy of the law of the state. It would endanger all municipal provisions such as governing the character of the applicant for a license, it would bring about complications in the matter of the revocation of licenses, and expose us to danger in licenses of saloons outside of municipalities.
where there is police surveillance. Just a word about the fairness of the bill. If we had introduced a measure which required that the whole county must be voted dry in order that the people of a particular unit might protect themselves, we would have been considered unreasonable and fanatical, but when we come in with a proposition that makes it possible for these units to vote themselves dry without carrying the entire county, then the opposition charges that we are unfair. It seems it is really hard to please or satisfy the opposition to our efforts from our friends engaged in the liquor business. Now then a vote "Yes" under this measure imposes certain restrictions. A vote "No" does not interfere with the exercise of the present licensing power. A county vote no means that the people of the county will not prevent the licensing of saloons somewhere in the county where the people want them. If 24 townships vote against the saloons and one township votes the other way, it will be to license saloons there. If it is the other way, and only one votes against the saloons, the restriction in that township does not interfere with the licensing of saloons anywhere in the other twenty-four. There is a radical and fundamental difference between license and restriction which is recognized by our present laws. It is simply a question of nullification. The smaller unit may impose restrictions
within its own border under its proper powers so long as the larger unit is silent. But where the larger unit has imposed the restriction the smaller may not even within its border nullify the act of the larger. That is the policy on all such questions and it has never been changed otherwise. The present system of council option is not fair to the officers. They are compelled to exercise discretion, which belongs to the people themselves. The license question becomes the paramount issue. It exposes the men who aspire to municipal offices to serve the people to a fire from both sides and it is not fair.

This measure has been taken as far as possible from legislation which is in force successfully in other states. There are many rights and interests to be considered. Many things have had to be avoided that are not apparent on the surface. We have had the assistance of many of the ablest lawyers in the State of Illinois. If any part of this measure is struck out it deprives the people in any unit from voting upon this question. The question is whether they have a right to exercise any can claim it as against what may be considered the contrary interests of others. In conclusion I will simply say that we appreciate very much indeed the absolute fairness that has been shown the advocates of this measure. We appreciate very much indeed the manifest familiarity with the
features of the bill, in behalf of the federated churches of the state which have constituted the anti-saloon league of the state as their agency, we have submitted these things, and we are content to leave this matter to your earnest consideration because we are satisfied that whatever may be your decision upon the case, that that decision will be based upon what you believe to be the best thing for the people of the state and the most consistent with the desire and wishes of the constituency which you represent.

I thank you very much.

CHRIS CASTLE.

Does any member of the committee desire to ask Mr. Anderson any questions?

REP TRAUTMANN

Isn't it a fair proposition, whenever any proposition is submitted to the vote of the people the majority shall always govern, as the fundamental principle of our form of Government? MR. ANDERSON

Yes sir, this bill is based upon the idea of majority rule.

REP TRAUTMANN

I did not so understand your statement. I understood your statement, Mr. Anderson, that where you have twenty-five townships in a county and twenty-four of them vote dry the other one shall not be permitted to vote wet but must be governed by the twenty-four. If twenty-four vote wet and one dry, the one dry is not governed, it can do as it pleased.
MR ANDERSON

That is the majority rule of the larger unit. The general proposition of law is that the local option of the smaller unit must give way before the majority rule of the larger; and the vexing question is to determine just exactly where that boundary line comes in.

REF TRAUTMANN

In either case if we submit it to the vote of the county, should not the majority govern in that county? If not, why do you submit it?

MR ANDERSON

The point is this, Mr. Trautmann: As I suggested I thought, where a majority of the counties vote that they don't want saloons within that county then the licensing of saloons anywhere within that county is inconsistent with and contrary to the expression of the wishes of the majority of the county. On the other hand, where the majority of the county vote that they do not care to change the present law, or to restrict the existing license power, it will leave the people of the county free to work it out to suit themselves. It is not inconsistent with that county vote to allow the people of those parts of the county which do not want saloons to settle for themselves, so long as the others are free to take the matter up. It lies in the fundamental difference between
license and restriction, and it has its root perhaps in
the status of the liquor traffic as established by our
courts.

REP TAUUTAEN

In other words the bill does not work both ways. It
is all right if your side wins, and if the other side wins
it is all wrong.

MR ANDERSON

No sir, the working of it is after this wise. The
sale of liquor is prohibited according to the case of
the People v. Cregier, 138 Ill., unless expressly licensed.
The cities and villages act of 1872 has given power to
the city councils and the dram shop act to county boards
in certain cases to issue licenses. That power is
absolute. How then this proposition is simply to allow
the people to hold up that power and get back to the
genral policy of the law of the state. It is entirely
consistent with a fair deal for them to accomplish that
in any way that they can get at it, that does not violate
the ordinary principles of majority rule.

REP TAUUTAEN

I would like to ask another question. Haven't you
made the statement that you hoped we would vote accord-
ing to the sentiments of the districts and the people
we represent?

MR ANDERSON

I said I presumed that would be the way you would
vote.
MR TRAUTMANN  

Why did you assail me after I voted according to the sentiments of my people and you admitted I did? In the printed circulars you admit I may have voted according to the people of St. Clair County, but not according to the people of the State of Illinois. If I voted according to the sentiments of my people, why did you assail me? 

MR ANDERSON  

I would like to suggest to Mr. Trautmann I don’t think it is fair to say we assailed you. We did say this, that in your district there was no danger whatever of the county feature affecting your county or your district, and that therefore it might be fair for you to consider the desire of the rest of the state, so long as your county could not be affected by that. 

MR TRAUTMANN  

That is a matter of opinion. I think I know my county as well as you people do. And in regard to that I will ask you, do you think the sentiment in my county, which is a senatorial district, is in favor of your bill? 

MR ANDERSON  

I really could not say. I have not been in your district as long as you have, but I found a very large element in favor of the bill. 

MR TRAUTMANN  

Do you think a majority?
I doubt if the question was put absolutely and squarely to the men you would meet on the street, that there would be a majority in favor of the bill. On the other hand I think if the matter were fully explained to them, they would see the county feature would not interfere with them, and there might be a majority that would consider they had no personal or direct reason for opposing it.

MR TAUThMANE

If the majority of my people are not in favor of the bill, you must admit that two years ago I tried to represent the majority of that district?

MR ANDERSON

I think probably that is true.

MR TAUThMANE

You did not seem to admit that when you assailed me in a good many of your public statements. If you say this will not affect my county, as you have stated here, and in your published statements, then you must necessarily admit that the majority of the people would not vote that way, if the proposition would not carry. I have tried to represent the majority of my people and I have been criticised for doing so.

MR ANDERSON

Sure; but the majority of your people would see they are not hurt by it and therefore would not feel aggrieved by a vote of that kind, but this should also
be considered Mr. Trautmann, since the matter has been brought out, that some of the circulars sent out had something to do with something other than a mere representation of your own district.

REP TRAUTMANN

I am referring more particularly to the statements you have made in my district. Did you ever know a gentleman in this state by the name of Austin J. Doyle?

MR ANDERSON

I think not.

REP TRAUTMANN

You have never met him?

MR ANDERSON

I don't ever remember of meeting him.

REP GRAY

Isn't it a fact, if the people understood this bill thoroughly, as we think we understand it here, and as you admit in reference to the combination of wards and precincts, if you can get any one dry it will always stay with you. If you get any of them wet, they are liable to be dry. If they thoroughly understood that, don't you think the people all over the state would be against this bill, if they thoroughly understood the bill as it is?

MR ANDERSON

No, sir, I do not.

REP GRAY

Isn't it a fact while you have worked up con-
siderable sentiment it is because they have gone out and
said we ought to have the right to say whether we will
have it in our wards, and under our nose in our residence
districts, and if that is not about the reason most of
them are for it, without knowing you can work it by
making combinations and put one ward out of business
when it does not want to go out of business, and putting
certain saloons out of business that they don't want to
go out of business -- what I mean is, if the people tho-
roughly understood the bill, would 'nt they be in favor
of some amendments?

MR ANDERSON

I think it is very probable, there are a large number
of people who have certain criticisms to urge and for the
time perhaps they might seem justified; in the very
instant somebody would come around from the
other side and answer the question and then they would as
readily admit they are not justified. There is a large
body of men who are not versed in these technical matters.

REP TRAUTMANN

Do you think as representatives of the people here
we ought to have a right to submit any amendments to this
bill? Do you think we ought to have that right and
privilege without being bitterly criticised for submitting
it?

MR ANDERSON

That raises a question, Mr. Trautmann, as to the
purpose of the amendments and the effect of them and
all of those matters. As a straight out naked proposition, as a matter of course, as the representatives of the people, you have a perfect right to submit any amendment or make any disposition you see fit. But on the other hand, if to submit amendments exposes the bill to the danger of defeat of all legislation at this time, then it becomes a question that the member must decide for himself, as to whether his people would be justified in thinking he had imperiled the legislation.

REP TRAUTMANN

The reason I ask that question is this: I offered an amendment two years ago. I may be mistaken, but I have been reminded of it several times, that I did. I was not a member of the committee or sub-committee to which this bill two years ago was referred. I offered the amendment on the open floor of the house. You have published the statement all over the state of Illinois that I was a very unfair man because I offered an amendment. I offered it upon the floor of the house as a member of the house. I did not even vote for it myself.

MR ANDERSON

We did not say you were unfair.

REP TRAUTMANN

You said I was an unfair man, and would not be fit to hold any public office. I will show it in your own publication.

MR ANDERSON

CO18 For the offering of the amendment?
REP TRAUTMANN

That my actions were unfair. I offered it on the floor of the house and did not even vote for it at all.

REP GRAY

Wasn't that brought up as an argument against you for speaker?

REP TRAUTMANN

Yes sir, as a very unfair man. That is the reason I ask whether as members of the house we will be subject to criticisms for offering amendments. I want to know whether or not we are to be given that privilege. If this is a sacred bill, I don't want to amend it, I don't want to do anything that is sacreligious. I try to be a little orthodox occasionally, myself.

(Laughter)

Let me ask you another question Mr. Anderson: Do you practice law?

MR ANDERSON

I have not been in the general practice since I entered this work.

REP TRAUTMANN

You are getting paid for this work?

MR ANDERSON

Certainly.

REP TRAUTMANN

Who pays you?

MR ANDERSON

I am paid from the treasury of the state association.
REP TRAUTMAN

Do you know there is a letter in existence around the State House in somebody's pocket from a certain minister of the gospel in which he said his church has contributed $100 towards the final passage of this bill? What does this mean? I suppose if a saloon keeper would write me a letter of that kind you would assail me along certain lines. How do you consider that letter?

MR ANDERSON

I saw a fac simile of the letter I believe. As I remember it said that the church had One hundred dollars in the fund to secure the passage of the bill and then it went on and asked the gentleman to vote for it. Just what it meant I of course do not know. I never saw it until it was shown me in the hands of somebody else.

REP GRAY

This bill which is now before the house is the bill prepared by you, is it not, except the referendum clause?

MR ANDERSON

Jointly with the Chicago firm called in a special counsel. It was the first draft of the bill prepared for this association. It is not in every particular the bill as it would finally have been introduced if we had been introducing it ourselves.

REP CRAIG

I will ask you if it is not the exact copy of the bill you introduced in the Senate except the referendum clause?
MR ANDERSON

We did not have it introduced there. It was introduced without our consent.

REP TRAUTMANN

I mean in the pamphlet you sent out?

MR ANDERSON

Yes sir, it was the first copy.

REP CRAIG

It was the one you prepared except the referendum?

MR ANDERSON

We should have made some slight changes.

REP TRAUTMANN

When you make any slight changes, are we supposed to follow the changes? The reason I ask that is that I have received a number of letters from respectable and representative gentlemen in my district, asking me to vote for a certain bill without any changes. I asked them if they had read the bill. They said no. I asked why they wrote such a letter. They said they had communications from Mr. Anderson, they did not know, but they had contributed in the meetings, in church and otherwise, and they felt they wanted their money spent in the proper way so they would get results, and they understood this was Mr. Anderson's bill. I asked if they knew it had been changed since the first of the year. They did not. Do you expect whenever you jump a hurdle for us to jump with you?

MR ANDERSON.

The question of how these changes are made may
be answered in this way: In order to anticipate that very point and objection, we have XXX every time employed a lawyer in general practice, well known, and considered to be thoroughly conversant with the subject, to complete the final draft of the bill.

REP TRAUTMANN

The reason I am asking the question, I want to avoid criticism hereafter, and want to know just when to do what you say, when you make changes. I want to know when to follow your dictation so that I won't be criticised in the future. I am trying to save myself.

MR ANDERSON

In reference to this bill the first draft that went out was very nearly identical with what the completed draft would be and it was thought safe to put it out. Then some senators introduced that without consultation with us. We submitted it to our attorneys, the counsel for the Hyde Park Association, who perhaps have had more practice along this line than any other lawyers in the state, asking if it covered the points satisfactorily. They said to let it go. We simply swallowed the thing as it was and agreed to accept it as entirely satisfactory to the constituencies of those interests.

REP TRAUTMANN

As another means of protection to myself, I want to ask another question. Do you favor the referendum on this bill?

MR ANDERSON

The way it is now we do.
REP TRAUTMANN

Didn't you send out statements saying when the senate put on the referendum it was a sinker?

MR ANDERSON

No sir.

REP TRAUTMANN

I got letters the same way as I got the others, saying they did not want the bill passed with the sinker. I received letters afterwards saying the sinker was all right.

MR ANDERSON

You will find that our statements were, that we would not run from that referendum. For reasons which perhaps you can define, we did not regard it was altogether expedient to let the impression get out we were altogether satisfied with the bill with the referendum feature, until after the senate had passed it along.

REP TRAUTMANN

Why?

MR ANDERSON

Because we had an idea that perhaps it might not pass so quickly if it was thought to be entirely satisfactory.

REP TRAUTMANN

Do you think if they thought it was satisfactory to you, they would not satisfy you that much?

MR ANDERSON

That might be a proper inference.

REP TRAUTMANN

Do you mean us to infer from that, that your statements in reference to the senate have been so distasteful?
to them that you have fallen from grace as far as they are concerned, and met with their displeasure? There must be some reason why the senate would not pass anything because you individually were interested in it, you being the fellow paid for doing the work.

MR ANDERSON

The very fact that senators would go out and get a bill and put it in different shape from what they supposed it would be, is sufficient to justify our assumption they would not want to do it exactly our way.

REP LINDLY

Did'n't you say in your pamphlet, that in the back end would be found the bill you introduced?

MR ANDERSON

Yes sir.

REP LINDLY

Did'n't they have a right to think it was your bill at that time? Our attorneys wanted to make a few changes; but it is the bill we finally accepted as satisfactory.

REP GRAY

Would you specify the changes and give us a chance to put them in here to suit you?

MR ANDERSON

No sir.

REP GRAY

You don't want it to suit you?

MR ANDERSON

No, because it suits us well enough at the
present time.

Rep Gray

What your final bill was intended to be would have suited you better wouldn't it, or else you would not have made any amendments on your final bill?

Mr Anderson

I don't know that it made any particular difference to me.

Rep Gray

Your constituents, clients, or employers?

Mr Anderson

The counsel would have been a little better satisfied.

Rep Gray

Wouldn't give us a copy so we could substitute the bill?

Mr Anderson

That copy is not in circulation.

Rep Gray

Can't you give us the changes?

Mr Anderson

They are only small verbal changes.

Rep Gray

Wouldn't you like them in it, if it would help the bill?

Mr Anderson

If it would help the bill, yes sir.

Rep Trautman

If this judiciary committee, composed entirely of
lawyers, should conclude perhaps they are as good attorneys and constitutional lawyers as the men who are drafting this bill, or the attorney you saw, and the committee should happen to make some amendments to the bill, would \textsuperscript{1}, as a member of this committee, still be subject to this abuse and criticism, or must we take the word of your lawyer, employed by your side of the case?

\textbf{MR ANDERSON}

We have tried very hard, Mr. Trautmann, not to abuse anybody.

\textbf{REV TRAUTMANN}

You seem to have had a very hard time succeeding, if you tried.

\textbf{MR ANDERSON}

If in the early part of the session this measure had come in and changes were made, I take it there could have been no legitimate criticism, \textsuperscript{2} that the changes were in the direction of furthering the purposes to be served by the bill.

\textbf{REV TRAUTMANN}

That may be a matter of opinion? Lawyers differ sometimes.

\textbf{MR ANDERSON}

But if on the other hand, in view of the difficulties of the situation, when in the confusion incident to the close of the session, if the bill is amended in a way that compels it to go back to the other house, and take its chances on the calendar, and should thereby be defeated, then the question of whether that result

0026
might reasonably have been foreseen would enter into the case.

REP TRAUTMANN

Are you not partially responsible for some of the delay on this bill? I think that some of the letters written to the speaker, that are now a matter of record in the house, and in the journal, would indicate that you asked him to hold it up.

MR ANDERSON

You will find one letter written on the first legislative day, after the committees were appointed, suggesting we were relying upon his promise to consider a request about the committees. You will find a letter of the same date, later in the day, and mailed promptly, which expressed that preference. So that possibly for one day we may be responsible.

REP TRAUTMANN

That does not coincide with the speaker’s statement the other day in the house. He stated he was not responsible for delay previous to March 14th, 1905.

MR ANDERSON

The letters are perhaps the best evidence.

REP PATTISON

You say that after that referendum was attached to the bill that we decided to accept it. Bow whom do you mean by that word "we"? Do you mean the anti-saloon league, or the directors or yourself?
MR ANDERSON

That is an elastic term, sometimes meaning one thing and sometimes another.

REP PATTISON

I was asking in this particular case.

MR ANDERSON

It meant the men in the active work of the league together with such members of the board as could be readily reached, and leading pastors, and men who had been especially interested and business men.

REP PATTISON

About how many were consulted at that time?

MR ANDERSON

I presume there were about one hundred of the men who have from the very beginning shaped the policies of the league.

REP PATTISON

How many members do you claim to have in your league?

MR ANDERSON

We don't have any members. We are simply the agency of the churches and such organizations, they are our local organizations. We are simply a league of organizations.

REP PATTISON

Now, Mr. Anderson, I will ask you if you do not think
it was unfair to circulate that statement we all received and which was read the other day by Judge Payne, directing pastors and others, not to explain this bill too much, and then after having done so go around to the different people in the county, getting them to write us and telegraph us not to allow the bill to be amended in any way, when those people by your own admission did not know the terms of the bill? Don't you think yourself that is unfair position to take?

MR ANDERSON

I do not think so at all, in view of the fact we had put the bill out for general distribution and for examination.

REP PATTISON

How many copies did you put out for such general distribution?

MR ANDERSON

I answered that the day of the other hearing: about ten thousand copies went out to pastors and members of church committees.

REP PATTISON

Wasn't there a recommendation that it be not gone into as to the specific features of the bill?

MR ANDERSON

As I said the other day, I will say I can read it.

REP ALLEN

We have heard it read. I don't think it enlightens him any to answer the same question again.
RIP TRAUTMANN

Will you define the meaning of the term "Local Option"?

MR ANDERSON

The commonly accepted definition of local option is a system of legislation which makes it possible for people in the smaller governmental units by direct vote to restrict or prohibit absolutely the sale of any intoxicating liquors.

REP TRAUTMANN

Is your definition broad enough to include the county?

MR ANDERSON

Yes sir, I think so.

REP GRAY

You said if this bill had been considered earlier in the session you would not probably have had objection to amendment. Doesn't this bill show on its face that it was reported February 8th to the house, and did you not commence having our constituents write us letters immediately after the bill was reported to the house, to allow no amendments?

MR ANDERSON

I think probably that is true, but if it had been amended in such a way that the thing could have gotten through.

REP GRAY

Didn't you at that time tell us to have no amendments?
MR ANDERSON

We are certainly influenced by our experience of two years ago,—if it had been accomplished and the bill had gone through.

REP TRAUTMANN

Do you say there are no members in your league?

MR ANDERSON

There are no individual members.

REP TRAUTMANN

Who fixes your salary?

MR ANDERSON

The board of trustees which is composed of representatives elected by the different denominational bodies of the state and the different state temperance organizations.

REP BROWNE

I understood you to say a moment ago, thanking this committee for the kindness and attention shown towards you on this bill, that you were sure that whatever they did,—referring to the entire committee,—in this matter would be what they deemed to be the wish and desire of the constituencies they represented and what they did would be the honest expression of what they deemed to be the sentiment of those constituencies, and having done that, I understood you to say you could find no fault with them whatever the outcome might be. Did you mean that?

MR ANDERSON.
Yes, but you failed to --

REP BROWNE

Did you mean that?

MR ANDERSON

There were two elements in that; one was the desire of the people of the state.

REP BROWNE

But I said to you in my question substantially what you stated to this committee a few moments ago.

MR ANDERSON

With the correction I made a few moments ago.

REP BROWNE

Did you mean that?

MR ANDERSON

Yes sir.

REP BROWNE

If this committee including myself, as members of this house, here in committee and upon the floor of the house, do move and proceed in what they do, according to the honest dictates of their own consciences, representing by their actions the constituencies at home honestly and fairly as they see it, do you still mean that you will have no fault to find?

MR ANDERSON

Yes sir, it is not for us to find fault.

REP BROWNE

Will you then in that case, if that movement happens to be in any individual instance or in the collective case against you, will you issue another pamphlet in which
you malign the members of this committee and the members of this house?

MR ANDERSON

We shall issue a pamphlet in which a statement shall be made as to the exact facts. Then it remains to be seen whether the constituencies were so represented.

REP BROWNE

What do you mean by a "Saloon Surgeon"?

CHAIRMAN CASTLE

Is that germane to the bill Mr. Browne?

REP BROWNE

-- as issued by you in certain pamphlets and printed matters you have circulated?

MR ANDERSON

I do not remember to have seen or used that term.

REP BROWNE

You don't know what that means, do you?

MR ANDERSON

I don't think I ever used it.

REP BROWNE

What do you mean, -- referring to a duly qualified and acting member of this house in commenting on his actions on the floor of the house, or in committee, upon this or a similar bill heretofore, -- what do you mean by designating him as the "wrost type of saloon politician"?

MR ANDERSON

I think that the expression is sufficiently obvious. I don't think I can elucidate it any.

REP BROWNE

What do you mean that?
REP ALLEN

I will tell you privately about that, and not take up so much time.

REP BROWNE

I was asking Mr. Anderson. Do you and your league, composed of the Christian representatives, and the Christian pastors of the State of Illinois believe that it is fair, that it is honorable, Christian, or otherwise right, to send out printed matter in which you so criticise members who are elected by their constituencies to act in this house and who did sit and act as such representatives during the session?

MR. ANDERSON

Not unless it is true.

REP BROWNE

Do you think it is proper to do that?

MR. ANDERSON

If it were true and it seems advisable, I don't see anything wrong about it.

REP BROWNE

You did in your pamphlet so criticise me didn't you? ('Laughter)

MR. ANDERSON

I think perhaps there were some such references.

REP BROWNE

Are you sufficiently acquainted with me and what I am
to say to this committee and to your constituency over in the State of Illinois that I am what would be known as the "worst type of saloon politician"?

MR ANDERSON

We based that on the record in the last session.

REP BROWNE

That is what you think, and now will you tell this committee what you call yourself, legally or otherwise.

REP WILLIAMS

That is germane to the question.

REP COX

Isn't it true Mr. Anderson, you were opposed to the referendum clause when the bill was before the senate?

MR ANDERSON

Having in mind --

REP COX

Will you please answer yes or no. It is a fact, isn't it, you were opposed to the referendum?

MR ANDERSON

We were opposed to any amendment. We did not say to specifically anywhere we were opposed the referendum. We offered two years ago in this house, when the proposition was made by a member of this committee, to help draft a referendum clause.

REP COX

Since now you are so anxious Mr. Anderson for the bill to pass upon this proposition, why were you averse to
having the people trusted on the proposition at that time?

MR ANDERSON
We offered at that time to help draft it.

REP COOKE
A referendum clause?

MR ANDERSON
Yes sir.

REP COOKE
Isn't it a fact you were opposed to it, and only accepted it after it had been *tacked on against your wishes?

MR ANDERSON
There is nothing in any of our other answers to that effect at all.

REP COOKE
Isn't there something in your other answers to the effect you accepted the referendum feature? If that is true why do you now say you are willing it should be tacked on, when you simply accepted it after it had been?

MR ANDERSON
I was asked a while ago if we wanted a referendum with it now —

REP COOKE
How about it now?

MR ANDERSON
At that time we were not as clear on it as we are now.
Did'nt you at that time consider it objectionable?

MR ANDERSON

We considered it might have objectionable features in it.

REP COOKE

What could be objectionable in a proposition for the people to pass upon it?

MR ANDERSON

It is inconsistent and a contradiction of terms to refer a local option law to a general vote of the state.

REP THOMLIN

Then this referendum clause ought to be stricken out.

REP COOKE

Are you not asking us to do that now?

MR ANDERSON

No sir, because, for the reason stated, we consider that as the only thing which is reasonably consistent with the likelihood of getting any legislation; and because further, if the matter is submitted to the people, then it takes the responsibility from other places and puts it directly upon the people themselves.

REP COOKE

Don't you think it is just as inconsistent for the people of the whole state to vote upon a proposition which involves only the interests of the county, as for the people of the county to vote upon a proposition that affects only the interests of the cities?

MR MAX ANDERSON
We said we thought it was inconsistent, but if it is in our interests we are willing to waive that point and accept it. We would not complain.

REP TRAUTMANN

Do you mean by your statement, that the people you represent are the only ones who have any interests?

MR ANDERSON

I mean simply for those who were present, the people were willing to accept a certain feature which they believed inconsistent and against their interests. Then those who might be benefited by it would not have ground for objection.

REP TRAUTMANN

You are willing to accept inconsistency to get your bill through.

MR ANDERSON

Yes sir, if we are the victims of that, and in the long run it may be expected reasonably to work out what we want. We are trying to be reasonable as far as consistent with getting anything.

REP GRAY

I believe you stated you thought the referendum ought not to be on there, because it was inconsistent for the whole people to vote on what you considered a local option bill. That was one reason you were against the referendum?

MR ANDERSON

Yes sir.
Would not the same argument apply, where the county would undertake to vote on whether the city should have license or no license?

MR ANDERSON

That was answered very fully by Mr. Burke, and the question of taxes, and the influence of the saloon and the extent of its relation to the county, - being naturally a unit, having its own court of record, its own executive officers, being the unit of taxation, for the support of jails, coroner, courts, etc.

REP GRAY

Don't the whole state help to pay the circuit court expenses?

MR ANDERSON

To a certain extent,- that exists anyhow. The question of murder trials and things of that kind is something that falls directly on the county.

REP GRAY

It is a question of a few dollars?

REP COX

Are not the people also interested in the question of penitentary expenses, where the people are placed that come from the county, and wouldn't they be interested to that extent in the legislation?

MR ANDERSON

We are all interested in that, but the interests they have in these smaller units that come closer to them overshadow their interests in the whole state.

REP COX

Why do you exclude the vote - -
KEEP MR. ANDERSON

Those are simply questions of expediency.

CHAIRMAN CASTLE

I think Mr. Anderson has had more than his share of cross questioning. The question is, what is the pleasure of this committee on Senate Bill No. 96.

REP. LUKE

Do you want to consider this bill, as to whether we will pass it out?

CHAIRMAN CASTLE

The bill is before the committee for action.

REP. LUKE

I move the committee go into executive session.

REP. ALLEN

I move to lay that motion on the table.

REP. GRAY

I am not afraid to go on record any time.

CHAIRMAN CASTLE

They are trying to smoke me out.

REP. LUKE

I don't propose to vote in the committee, when a stenographer is here taking our records.

CHAIRMAN CASTLE

Gentlemen of the Committee, I decline to entertain Mr. Luke's motion.

REP. LUKE
I will withdraw the motion.

CHAIRMAN CASTLE

Because it is a bad proposition to go into executive session, especially for the chairman.

(Laughter)

I want to see it all in the open.

REP TRAUTMANN

I will ask the chairman who he is afraid of?

(Laughter)

Are you afraid of Mr. Anderson's circulars?

CHAIRMAN CASTLE

My vote in the last house on the Trautmann amendment shows whether I am afraid or not. I shall not vote for the bill in the committee or the house, but the bill is before the committee for such action as it sees fit.

REP PATRICK

As a point of order, the matter has been disposed of.

REP GRAY

I think you are not entitled to say a man cannot make that motion. Any man is entitled to. I, like the chairman, am going to vote against this bill, on the floor of the house, this way, and I will vote against any secret session. I think a man has a right to make that. I don't think the chair has any right to rule in such a way.

REP LUKE

My purpose in making the motion was this: Regardless of how I may stand on this bill that is a matter that at the present time personally applies to me. I am not in favor of any League or anything else, but I believe that
this committee could better settle this matter by having an executive session of our own, instead of having all these outside fellows around here butting in, and telling us what to do. I have been here for three different days. I have at no time had a chair I could sit on, to listen to the discussions of these gentlemen before this committee, because other fellows interested in this bill have been crowding in here. I withdraw my motion. (Several chairs offered Rep.Luke). (Laughter).

REP CRAIG

Take another one, Luke.

REP ALLEN

another what?

REP SHELTON

I move we report this bill out, with the recommendation it pass.

REP TRAUTMANN

I think before that motion is put, in view of the fact these gentlemen claim to be so fair and I am so unfair we certainly ought to have an opportunity to make an amendment to this bill. I think this ought to be treated the same as any other bill. I don't believe this bill is so sacred we should not be given the privilege of amending it and simply be put up against the buzz-saw, to vote for or against. It has not been done in this committee on any other bill. There is no reason it should be done on this bill. There is no reason why this bill should be
given any special privileges over any other bill. Now then I believe that I can be just as fair to the anti-saloon league as any man in this house, but I do believe that it is no more than right and fair that the members of this committee should be given an opportunity to offer amendments before they are asked to vote upon the question as to whether or not you are going to vote the bill out, or vote down the motion to report it out.

REP MC SURELEY

I was a second to that motion but in doing so I had no intention of cutting off any opportunity for amendments. There seemed to be a wait here. Nobody seemed to be intending to do anything. I presume the mover had the same idea that I have, that no amendments were about to be offered, since at the time they were expected none were offered.

REP TRAUTMANN

The bill was not before this committee for considera-
tion other than discussions, because the motion before the committee was whether or not we would go into execu-
tive session. I don't see why you gentlemen are so afraid you even want to go to the extent of railroad
the bill out.

REP MC SURELEY

That is not the fact. I think the conclusion is unwarranted.

REP TRAUTMANN

I am not afraid of Mr. Anderson's statements, which have been proven absolutely false. I am not afraid to
offer an amendment, because, as he admits, my constituents are not in favor of this bill and I am going to represent them. I want to say to this committee, he has accused me time and time again of being unfair. He admits he was unfair in those accusations. Whenever I aspired to an office the people were told what an unfair man I was, while at the same time he admits I represented my constituency in voting that way and offering the amendment. Yet right after I was nominated, he comes down to my county and abuses me.

REP MC SURRALEY

Were the issue between you and the gentleman, I think there would be a unanimous vote in this committee and it would be entirely satisfactory to you.

REP LIEUTENANT

I thank you for your expression of what the committee would do between Mr. Anderson and myself. I rather think you are right.

(Laughter)

REP MC SURRALEY

I withdraw my second.

REP SHELTON

I understand we have been discussing this bill for three days --

REP SMEJKEL

Do you mean the committee.

REP SHELTON

In order to get something before the committee I made
that motion: It occurred to me if a majority were in favor, they would so vote and get it on the floor of the house, and it could be amended there. If the majority were against it they could vote my motion down.

REP TRAUTMANN

The point is --

REP SHELLON

-- no, give me a chance. I don't often speak. I think this is the first time I have ever spoken in judiciary. I am not afraid, you understand. I am like Mr. Trautmann, I am brave. I don't care a continental what the people say or do. I think most of the members of this committee have also made up their minds, and I do not think we are open to conviction any longer. For that reason I thought we would get it out of the way. So long as some of the members here feel they would prefer not to have the motion pressed at this time, I don't want to press it. I want opportunity for free discussion. Before the motion is put I withdraw my motion at this time.

REP MC GOERTY

There have been criticisms made, and arguments urged in this behalf, and it seems proper that the committee should take up the bill section by section, and give it such consideration as it may deserve.

CHAIRMAN CASTLE

We started to do that the other day but they didn't seem to want it. I think it is wise to take the bill up section by section and read it.

REP RHIMAKER

Better send copies around
(thereupon the clerk of the committee distributed copies of the bill, and on direction of the chair read the first section of the bill)

REP TRAUTMANN

Do you intend to read it all through or section by section?

CHAIRMAN CASTLE

Section 1 having been read, what is the pleasure of the committee?

REP TRAUTMANN

I have one little amendment to offer. I make the motion wherever the word "Anti-saloon" appears in this bill, and in the caption of the bill, that it read "Anti-license" territory.

REP GRAY

Why say prohibition territory?

CHAIRMAN CASTLE

Kindly put that into writing. (Motion in writing handed to the chair as follows: "Amend Senate Bill 95 by striking out the words 'Anti-saloon' wherever it appears in the caption and in the bill, and insert 'Anti-license'")

CHAIRMAN CASTLE

Mr. Trautmann offers this amendment:

REP TRAUTMANN

Just a word in explanation. In order to carry
out the provisions of the bill, it is better to say anti-license than anti-saloon. The question to be delegated is whether or not saloons shall be licensed in that territory. That is the only object I have in offering the amendment.

REP ALLEN

I move to lay it on the table.

REP CRANGLER

It seems to me we ought to put this bill out or amend it. If the idea is to amend it for the purpose of reporting it out and having it defeated, that same purpose can be carried out by reporting the bill out as it is. For that reason I am opposed to any amendments.

REP TRAUTMANN

I would think that here is the place to try to amend the bill, as we do any other bill.

REP CRANGLER

True.

REP TRAUTMANN

The only amendment I expect to offer on the whole bill is the one I offered.

REP CRANGLER

That is a very sweeping amendment, it covers the whole bill.

REP SHELDON

Would it change the legal significance of the bill?

REP TRAUTMANN
I think not.

REP CRANGLE

Then why put it in? I am not going to say how I would vote for it on the floor of the house, but I am in favor of letting this bill go out and letting an expression of the members of the house be taken on the subject, and then we can decide the whole matter. Suppose we do that, and suppose it carries, then it has got to go back to the senate. Otherwise it won't have to go back to the senate.

REP TRAUTMANN

You will have an opportunity to vote this up or down on the floor of the house the same as any other bill.

REP ALLEN

I move to lay it on the table.

CHAIRMAN CASTLE

The question is on the amendment by Mr. Trautmann.

(Thereupon the chair took a viva voce vote, followed by a rising vote.)

REP GRAY

Some of the people seem to be backward about offering amendments. I am going to offer one if nobody else will.

REP SHELDON

Whether they have anything to do with the bill or not?

REP GRAY

I am going to offer them and let them be voted up or down.

REP ALLEN

I move to lay it on the table

(Laughter)
REP GRAY

Wait a while until you see what it is. I can see where Charley Allen is getting instructions.

REP ALLEN

I got my instructions from my mother. That is where you ought to have got some.

CHAIRMAN CASTLE

(Reading amendment)

"Amend by striking out the words 'County', 'Township', 'Precinct', 'Ward or Subdivision', wherever they appear therein" The question is on the adoption of the amendment by Mr. Gray.

REP GRAY

That is an important thing in the bill (Laughter). That does change it (Laughter). The amendment made by my friend Trautmann did not change it, only made it a little more sensible and reasonable to use the words he does. With those other changes you would say we were putting them in here so it will go back to the senate. But this is down to the meat of it.

REP SHELDON

Strike out the enacting clause.

REP GRAY:

Never mind, this will be a pretty good bill when it is passed.

REP SHELDON

Maybe I misunderstood the amendment.

REP GRAY

I am going to get down to that.
The word county is one of them, whether the county shall say. Further it says township. We have a lot of little towns in the county. Townships are mostly six miles square. Why should the townships tell the villages what they ought to do any more than the counties ought to tell the big cities what to do. It would be just as well for the township, as for the county to tell the city of Springfield what to do. For the same reason county ought to be stricken out, township ought to be stricken out.

Again, I think we saw the other day by the discussion here we ought not to allow the wards and precincts to remain in there, a combination of wards and precincts by which they can take one or two wards, put them with a liquor ward, and vote out the ward that does not want it. If this amendment carries it will leave the bill that any city, town or village can vote whether it wants license. At the present time we can vote but there is no enforcement we can vote Springfield dry, and the township could still grant licenses, and you know it. Under this bill with this amendment, if it votes dry it goes dry, if it votes wet it goes wet. If Illiopolis votes wet or dry it goes that way. The other proposition, the provisions for submitting to the people, are all in their. I think this is fair.

REP BROWNE

In other words, make it a local option bill.

REP GRAY
Yes, and not a prohibition bill.

REP TRAUTMANN

I want to offer an amendment. I said I would not offer any others to the bill, and I am keeping my word. This is an amendment to the amendment. Strike out the word precinct in the amendment just offered. That will leave the precinct in the bill if it carries. You strike out the precinct. My amendment strikes the precinct out of your amendment and puts it back into the bill.

REP RINAKER

How does it read?

CHAIRMAN CASTLE

The amendment to the amendment is to strike out the word precinct. The original is to amend Senate Bill as printed in the house by striking out the words county, township, precinct, ward, or ward subdivision where it appears. The amendment to the amendment is to strike out the word precinct. The question is on the adoption of the amendment to the amendment.

REP TRAUTMANN

That leaves the word precinct in the bill.

REP RINAKER

My position on this bill is simply this. I do not want to see the bill mutilated. I want to see a bill reported out of here that is somewhere within the range of fairness and a bill which will pass. I don't think it
quite fair to strike out everything in that amendment. I think some one here ought to have an amendment. If I had been here the last few days I would have had it ready. I think the bill ought to have the precinct feature, in the shape in which it stands in the bill, stricken out, and the referendum. Then I think the bill ought to be reported out with the recommendation that it do pass.

CHAIRMAN CASTLE

You can draw an amendment of that kind after we get through.

REP GRAY

I have one for the county to offer after this.

(Laughter)

CHAIRMAN CASTLE

We will now vote on the amendment to the amendment (Viva voce vote.) ( Declared lost)
The question is now on the adoption of the amendment offered by Mr. Gray striking out the words township, county, precinct, ward and ward subdivision. (Viva voce vote. Declared lost).

REP GRAY

I will draw and offer one they can all vote for except the prohibitionists on the committee. I don't expect any prohibitionist to vote for it. Just strike out the county. I think the county ought not to be.

CHAIRMAN CASTLE
Amend Senate Bill 95 as printed in the house by striking out the word county wherever the same appears therein.

REP CRANGLE
A question of personal privilege. I may vote against that amendment, but I decline to be called a prohibitionist.

REP PENDARVIS
Does an amendment drawn that way really mean what Mr. Gray means to accomplish?

REP SHELTON
It is hard to tell what he means to accomplish.

REP PENDARVIS
There may be places it appears, where it does not have the effect he has in mind. It is doubtful whether you can really accomplish what he tries to accomplish, by having the amendment drawn in that form.

REP ARKOLD
There is a place where it speaks of county officers.

REP PENDARVIS
I think you are treading on very dangerous ground. By trying to make amendments drafted in that form, simply by striking out the words wherever they appear, in the bill. You are going to defeat what you mean to accomplish. If you are going to have an amendment of that kind, you better have a committee appointed to draft it properly.
I will say in answer to that, the point I want to raise is here, and the majority of this committee are in favor, wherever the word county is used in reference to having the county vote, strike out that county where it appears. Then we can fix this bill up by proper amendments to make it read right as to the word county. I don't want to go to each and every place where the word is used in that way, at this time. I want to get the sense of this committee whether the county shall vote, whether we shall have license. If the majority of the committee is in favor we can go through this, if it takes a day or two, and decide where the word county shall be left out. If the sentiment is against leaving it out, I don't want to go on with fifty amendments. What I want to know is, does this committee want the counties to vote on it?

REP MUNDY
You are just simply offering this amendment to feel the pulse?

REP SCORAY
Yes, you can call it feeling the pulse. If it is necessary we can offer other amendments in accordance with the wishes of this committee. On this I would like to have the chair call the roll.

REP CAMPBELL
Let him word it so we will know what we vote on. Let him make a resolution that it is the sense of this committee that the county feature be stricken out.

REP LINDLEY
To the members of the educational committee who are here, I will say I have just adjourned the committee and we will meet tomorrow at 3:30.

REP HILL

Mr. Gray's suggestion is in the nature of a suggestion for instructions. In this connection I would say, I have received urgent letters in regard to this, as have you all. I received one from a well known jurist in Chicago, now on the bench, urging me earnestly to support the bill. I asked if he had read the bill. I wrote him to that effect and enclosed a copy, saying there was some question about the county feature. This morning I received a letter in which he said he had not read the bill, and the county feature ought to be stricken out in order to subserve the purposes of the bill. I think we should vote upon this question.

REP RINAKER

But in the shape this was offered, it does not serve the purpose sought to be served.

REP GRAY

I am preparing one: "Amend Senate Bill 95 by striking out and eliminating what is known as and called the county feature, wherever it occurs in said bill, meaning that the word county wherever used in this bill as giving the county the right to vote on the question of license or no license shall be stricken out." Then we can prepare the amendment in accordance with therewith, if the committee want it done.

CHAIRMAN CASTLE
The question is on the adoption of the amendment as offered by Mr. Gray. It strikes out the county feature wherever it appears in senate bill 95.

REP BROWNE

I should like to hear that read.

CHAIRMAN CASTLE

"Amend Senate Bill 95 by striking out and eliminating what is known as and called the county feature wherever it occurs in said bill, meaning that the word county wherever used in this bill as referring to and giving the county the right to vote on the question of license or no license shall be stricken out."

REP GRAY

On this I would like a roll call.

REP HILL

Gentlemen, I am opposed to amending this bill if it simply means it is going to kill the bill.

REP GRAY

It does not mean to do that.

REP HILL

Here is the proposition as it occurs to me. This legislature ought to report out some sort of a local option bill, it seems to me/ we ought to defer action on this until we have some assurance whether it will pass the senate.

REP ALLEN

Let us send a man over and see then.

REP HILL
The proposition is this: I feel like this and others do I know. If the senate will accept this bill with the amendments and pass it out I feel like voting entirely different than I would if I thought it was simply killing the bill.

REP XIMELD ARNOLD.

How would you suggest finding that out?

REP HILL

There are ways of finding it out.

REP GRAY

I don't know what the senate is going to do. I don't think we ought to let a lot of gossip of what Anderson says the senate is going to do, to swerve us from what we think is our duty.

REP SHELDON

Mr. Anderson didn't say anything of that nature.

REP GRAY

If we think it ought to be taken out, let us do that, and send it to the senate. It won't take very long to do that. I think they would be tickled to death to take the county out. Some of them may have been intimidated like some of us.

REP FENDARVIS

You mean the sentiment of his constituency.

REP PATTISON

I don't want to tire this committee: I think that is the most important feature of this bill. I feel strongly on it, and I think we ought to approach it very carefully. I am very much opposed to the county
feature of this bill. I believe in local option, but I am opposed to the county feature of this bill. I have been opposed to it right along on the theory of the thing, and was not convinced by what Mr. Anderson said about the farmers paying additional taxes because as a matter of fact that applies as well to the city.

The town where I live is perhaps one-third of the county. At the present time the revenues from saloons is twenty-two thousand a year. That is used on our streets and alleys and fire departments. Without that revenue they would have to raise more money by general taxation, and that would have to be paid, not by the farmers, but by the people who live in the town. That fact being true, whether that city shall lose the twenty-two thousand they now get from these licenses, to me seems to be an essential question. That should be submitted, according to all rules of government, to that city and that city alone. The other people living in the country around there should not vote upon it. You cannot say it is a moral question. It is not, gentlemen. If this bill was against the manufacture of liquor, then it would be a moral question. If it prohibited the manufacture and distribution of anything of that kind, then it would be a moral question; but just so long as liquor is manufactured and just so long as men have an appetite for it, then just that long, it does not make any difference what the
laws are, they are going to gratify that appetite and drink that liquor, no difference whether it is in a licensed saloon, a drug store, or a blind pig. It is not a moral question, and will not be until they go to the manufacture and make so it is not a moral question. It is an economic question.

In most of the cities it is a financial question too, because this law licensing saloons has been in force for many years. The cities have grown to depend upon the money they get from the licensing of these saloons. If they lose this money, it has got to be raised by an increase in the general taxation upon property in that city. The farmers who live outside of the city are not affected by the increase in taxation. They do not own any property affected by that, but the people of the city are affected. That is one of the things. Perhaps there are other questions to be taken into consideration in voting whether there shall be saloons or not. That is one of the questions, whether the cities shall lose the revenue they now get from the saloons. Consequently, to me, it is overriding all local self government, to permit farmers living roundabout a city to vote upon that question. In this connection I will say, I have had a number of letters, as many perhaps as every member here, and yet every time I have met a man who has written to me at home I have spoken to him. I have had a number of copies of this bill
I have kept a copy in my pocket since the opening of the session. I kept a copy last year during the campaign. I have kept a copy of this bill, and every time I met a man at home who has asked me to vote without amendment I have stopped and said, "I have had a letter from you asking me to vote for the bill without amendment. Do you understand it?" He would XXX answer saying, "Yes, it is a local option bill." Then I have gone ahead and explained to him thoroughly the county feature of that bill. Without any exception I can say, as regards those living in the city, after I had explained that county feature of the local option bill, the strongest temperance who have written these letters have told me that part of it is not right, that they had come to us and said local option and we are in favor of that, we thought you were against local option; but we do not believe in that county feature in the bill.

REP RUMALDS

By virtue of that referendum clause, don't the people settle that question?

REP PATTISON

Isn't that dodging the responsibility devolving upon you as a member of the legislature? If a bill was here before you for a hangman, imposing the death penalty for a man stealing fifteen dollars or over, you might say, oh, well, that is all right, we will pass it
with a referendum. Isn't that dodging the responsibility the people put upon you when they elected you here, to simply tack a referendum on it?

REP. RUMALDS.

That is not the question, whether we dodge the responsibility or not. This bill has a referendum clause. It is but fair to permit the people at large to pass upon this subject. I would like to ask a question. You say it is an economic question?

REP. PATTISON.

I consider it so.

REP. RUMALDS.

You spoke about the money spent for the uses of the city. Doesn't that come out of the pockets of the people anyway?

REP. PATTISON.

Oh, yes.

REP. RUMALDS.

Are the saloon keepers doing business for their health or to look pretty?

REP. PATTISON.

Oh, no. You can get money indirectly where you can't get it direct.

REP. RUMALDS.

I will ask another question. Don't the sons of those farmers go to the bar and hand over their dollars in a
large measure, the same as the citizens of the city?

REP PATTISON

Yes, and I will say in regard to these sons of farmers that there are places in our county where liquor is not sold. We have prohibition districts in our county. I will say, yesterday, that three townships which had been prohibition went the other way, because of the prevalence of liquor drinking, where they shipped kegs of liquor, and crowds got around and drank it. There was more drunkenness than before.

CHAIRMAN CASTLE

The question is upon the adoption of the amendment of Mr. Gray, to amend Senate Bill 95 by striking out and eliminating what is known as the county feature, wherever it occurs in said bill, meaning that the word county wherever used in the bill in referring to and giving the county the right to vote on the question of license or no license shall be stricken out. Are you ready for the question? (Rising vote) The amendment is lost gentlemen by a vote of fourteen to seventeen. What is your further pleasure? The clerk will read section 2.

REP SHELTON

I don't wish to cut off any one who has any amendment to make. It seems to me we are losing time in reading this bill. I thought we had a rule which provided that only three amendments could be offered by one member.

REP GRAY

You ought to read the rules again. I want to amend
the rule by which you can always win dry and never win wet. If you had read up to it, we would have reached it.

REP ALLEN
You are just wasting time.

CHAIRMAN CASTLE
Go on and read Section 2.

REP CAMPBELL
I want to ask a question for information. Is it the intention to read this whole bill section by section?

REP CASTLE CHAIRMAN
That seems to be the pleasure of the committee.
Mr. Gray said he had an amendment to section 2.

REP CAMPBELL
I think we had better take a recess until tomorrow afternoon, if it is the intention to go through all the bill.

REP GRAY
If this is voted down I am through offering amendments.

REP MUNDY
Mr. Gray has an amendment to offer. You can vote no just the same, Mr. Sheldon. I don't suppose you care about reading it at all.

CHAIRMAN CASTLE
Amend by striking out lines 12 to 19 in Section 2 of said bill.

REP GRAY
This is the one talked about the other day. They will
petition in one license precinct and two anti-license precincts and add the three together, and if the three go anti-license, then the license precinct would also have to go anti-license. But if the one precinct had enough to overcome the majority of the other two, the whole three would not have saloons. The two that voted anti-license would go dry. It is fixed so that you never can lose on the dry proposition. If the majority go dry, they will all go dry. It is a poor rule that won't work both ways.

REP SHELDON

Suppose a city goes dry.

REP GRAY

If it does let it go dry, but don't work combinations. Let any ward or precinct vote dry but don't leave it open for a combination. Don't fix it to work one way and not the other. Let every tub stand on its own bottom. That is one of the main features of the bill outside of the county feature. I want a roll call on this. I only speak of those fellows that are not voting. As to the prohibitionists on this committee, there is no trouble about their voting. Some other fellows don't seem to be voting. I want a little record on it, and not go home to the saloon keepers and say they supported them when they did not.

REP BROWNE

It seemed to me that this amendment which has been offered by Mr. Gray strikes at a very vital and important
matter, more so than perhaps occurs upon first thought. It is a matter that we ought to consider at some length, before it is either voted for or voted against. I understand the intention and the feeling of this committee is to do what is absolutely fair and right to both sides of this question, and I think that is proper. It seems to me that this amendment Mr. Gray has offered is a vital one either one way or the other, and I therefore in the interests of both parties, and that we may be prepared to vote upon this question correctly, I therefore submit to you this motion, which I understand is always in order, that we adjourn to meet at the call of the chair, or until two o'clock tomorrow.

REP GRAY
Make it just an adjournment.

CHAIRMAN CASTLE
It is time for the house to meet right now

REP PENDARVIS
Before you take this action I want to give notice that I shall make a motion at the next meeting of the committee to reconsider the vote by which the striking out of the county feature was lost.

REP ALLEN
You voted on the wrong side.

REP PENDARVIS
No I didn't.

THEREUPON THE MEETING ADJOURNED TO MEET AT THE CALL OF THE CHAIR.
I do hereby certify the foregoing to be a true and accurate transcript of my shorthand record of the proceedings had in the House Judiciary Committee April 5, 1905, touching the Senate Local Option Bill.

Daisy Mullen
Shorthand Reporter.