

Pittsburg State University

Pittsburg State University Digital Commons

Electronic Theses & Dissertations

1938

Prohibition in Kansas from 1861-1881

Edna Pearl Elliott

Kansas State Teachers College

Follow this and additional works at: <https://digitalcommons.pittstate.edu/etd>



Part of the [Legal Studies Commons](#), and the [United States History Commons](#)

Recommended Citation

Elliott, Edna Pearl, "Prohibition in Kansas from 1861-1881" (1938). *Electronic Theses & Dissertations*. 117.
<https://digitalcommons.pittstate.edu/etd/117>

This Thesis is brought to you for free and open access by Pittsburg State University Digital Commons. It has been accepted for inclusion in Electronic Theses & Dissertations by an authorized administrator of Pittsburg State University Digital Commons. For more information, please contact digitalcommons@pittstate.edu.

ABSTRACT

J. 4319
#7
6164B

During the Lewis and Clark expedition in 1804, the liquor problem first entered Kansas, when two men were punished for drunkenness while on duty. From 1804 to 1848 little is to be found in records that gives any information on this question but from 1848 to 1861 it was a live issue. Laws were enacted prohibiting the sale of intoxicating beverages to the Indians, the Dram-shop Law of 1855 was passed, the Wyandotte Constitutional Convention was held, and Kansas was admitted as a state January 29, 1861, without a liquor control law in her Constitution.

The demand for better liquor enforcement laws grew. Political parties were urged to place prohibition planks in their platforms. The improved Liquor Law of 1868 was passed. John P. St. John was elected governor in 1878 on a Republican ticket. The legislature passed Joint Resolution Number 3, a bill to prohibit the manufacture and sale of intoxicants in Kansas.

A Thesis Submitted to the Graduate Division in
Partial Fulfillment of the Requirements for the Degree
of Master of Science
Edna Pearl Elliott
By

Edna Pearl Elliott
the election of 1880
April 8, 1896 - October 12, 1975

Many agencies worked for the passage of the proposed amendment. The pioneer organization was the Good Templars. They were aided by the Kansas State Union, the State Temperance League, the Woman's Christian Temperance Union, the Blue Ribbon Society and the churches. The People's Grand Protective Union was against any change in the Liquor Law of 1868.

KANSAS STATE TEACHERS COLLEGE
Pittsburg, Kansas

June, 1938

At the election of 1880 the proposed amendment passed
by a safe majority. John P. St. John was re-elected governor.

ABSTRACT

During the Lewis and Clark expedition in 1804, the liquor problem first entered Kansas, when two men were punished for drunkenness while on duty. From 1804 to 1848 little is to be found in records that gives any information on this question but from 1848 to 1861 it was a live issue. Laws were enacted prohibiting the sale of intoxicating beverages to the Indians, the Dram-shop Law of 1855 was passed, the Wyandotte Constitutional Convention was held, and Kansas was admitted as a state January 29, 1861, without a liquor control law in her Constitution. The demand for better liquor enforcement laws grew. Political parties were urged to place prohibition planks in their platforms. The improved Liquor Law of 1868 was passed. John P. St. John was elected governor in 1878 on a Republican ticket. The legislature passed Joint Resolution Number 3, a bill to prohibit the manufacture and sale of intoxicants in Kansas, and the question was to be decided at the election of 1880.

Many agencies worked for the passage of the proposed amendment. The pioneer organization was the Good Templars. They were aided by the Kansas State Union, the State Temperance League, the Woman's Christian Temperance Union, the Blue Ribbon Society and the churches. The People's Grand Protective Union was against any change in the Liquor Law of 1868.

At the election of 1880, the proposed amendment passed by a safe majority. John P. St. John was re-elected governor, and immediately set about seeing that a law was passed to enforce the amendment. The Liquor Law of 1881 was enacted by the legislature over a protest by George W. Glick.

The materials for this thesis were obtained in the Kansas State Library, the Kansas State Historical Library, the Library of Kansas University, the Porter Library of the Kansas State Teachers College and the City Libraries of Pittsburg and of Iola. The facts concerning Drusilla Wilson were obtained from Miss Marianna Brown of Carmel, Indiana. Much of the information was found in the Kansas Historical Collections. The Clipping Departments of the State Libraries gave many accounts of Prohibition. All the newspapers used, with the exception of the Girard Press were in the Historical Library at Topeka.

TABLE OF CONTENTS

CHAPTER	Page
I. THE LIQUOR QUESTION BEFORE STATEHOOD.....	1
Liquor conditions prior to statehood	
Lewis and Clark's Expedition into Kansas	
First murder trial in Kansas over liquor	
Governor Reeder's Message to Legislature of 1854	
Indian Liquor Law of 1854	
Dramshop Law of 1855	
By-laws of Topeka Association	
Topeka's liquor spillings	
Memorial of Topeka ladies	
Liquor spillings in Big Springs, Lawrence and Trading Post	
APPROVED: Thesis Adviser <u>Elizabeth Cochran</u>	
Chairman of Thesis Committee <u>J. W. Trout</u>	
II. TEMPERANCE CONDITIONS BETWEEN 1860-1880.....	14
Chairman of Graduate Council <u>J. P. Wellinger</u>	
Ascending Liquor Law of 1867 by Legislature of 1867	
Liquor Law of 1868	
Beer banquet held in Topeka 1872	
Social clubs of Hiawatha and Girard	
"Rowdy Joe's Saloon in Wichita	
Saloons of Newton and Hays	
Murder of J. C. Wheeler in Oswego	
Burial of Mr. Godfrey in Great Bend 1872	
Tragedy at Medicine Lodge	
Praying campaign of 1874	
Legislature of 1874	
Legislature of 1875	
Legislature of 1876	
Protest of Geo. W. Glick against House Bill number 216	
Political parties and temperance	
Election of John P. St. John as governor in 1878	
Message of Governor St. John to joint session of Senate and House on Jan. 16, 1879	
Reaction of House to Governor's message	
Reaction of Senate to Governor's message	

TABLE OF CONTENTS

CHAPTER

Page

I. THE LIQUOR QUESTION BEFORE STATEHOOD..... 1

Liquor conditions prior to statehood
 Lewis and Clark's Expedition into Kansas
 First murder trial in Kansas over liquor
 Governor Reeder's Message to Legislature
 of 1854

Indian Liquor Law of 1854

Dramshop Law of 1855

By-laws of Topeka Association

Topeka's liquor spillings

Memorial of Topeka ladies

Liquor spillings in Big Springs, Lawrence
 and Trading Post

Liquor Law of 1859

Wyandotte Convention

Indian Liquor Law of 1860

Meeting of temperance people, 1861

II. TEMPERANCE CONDITIONS BETWEEN 1861-1880..... 14

Liquor spilling in Mound City
 Amending Liquor Law of 1859 by legislature
 of 1867

Liquor Law of 1868

Beer banquet held in Topeka 1872

Social clubs of Hiawatha and Girard

"Rowdy Joe's Saloon in Wichita

Saloons of Newton and Hays

Murder of J. C. Wheeler in Oswego

Burial of Mr. Godfrey in Great Bend 1872

Tragedy at Medicine Lodge

Praying campaign of 1874

Legislature of 1874

Legislature of 1875

Legislature of 1876

Protest of Geo. W. Glick against House Bill
 number 216

Political parties and temperance

Election of John P. St. John as governor in
 1878

Message of Governor St. John to joint session
 of Senate and House on Jan. 16, 1879

Reaction of House to Governor's message

Reaction of Senate to Governor's message

Arrival of Mr. Detwiler in Topeka
 Drafting of bill known as Joint Resolution
 Number 3
 Evening session of House March 5, 1879
 Roll call on Joint Resolution Number 3
 Passage of Joint Resolution Number 3

III.	AGENCIES FOR AND AGAINST THE PASSAGE OF THE PROHIBITION AMENDMENT.....	33
	Order of Good Templars	
	Dr. Whitford and Legislature of 1872	
	House Bill number 7	
	Temperance Banner and J. R. Detwiler of	
	Osage Mission	
	Kansas State Union	
	State Temperance League	
	Woman's Christian Temperance Union	
	Blue Ribbon Society	
	Churches and temperance	
	Leavenworth Anti-Liquor Convention	
	People's Grand Protective Union	
IV.	PASSAGE OF THE PROHIBITION AMENDMENT.....	44
	Arrival of Francis Murphy in Kansas	
	Activities of People's Grand Protective	
	Union	
	Opening of campaign August 21, 1879	
	Bismark Camp Meeting	
	Work of Dry Leaders for campaign	
	Slogans	
	Prohibition song	
	Election day	
	Count of vote	
	Victory for Drys	
	Final issue of <u>Temperance Banner</u>	
V.	PASSAGE OF THE LIQUOR ENFORCEMENT LAW OF 1881	53
	Re-election of John P. St. John as	
	governor	
	Message of Governor St. John to legislature	
	Drafting of Prohibition Law of 1881	
	Protest of Geo. W. Glick against passage	
	of Law of 1881	
	Decision of Judge Brewer in favor of the	
	enforcement of Liquor Law of 1881	
	APPENDICES.....	56
	BIBLIOGRAPHY.....	92

-2-

CHAPTER I

THE LIQUOR QUESTION BEFORE STATEHOOD

More has been written and spoken about old John Barleycorn in Kansas than about any other single reform issue. To prove this statement one needs only to visit the libraries, view the court dockets and listen to the conversation of various groups of people as they gather for business or social purposes. Some of the younger Kansans will assert that there is less liquor consumed under the present laws, but those who are now in the twilight of life would not agree. They state that in their day things really happened to those who broke the liquor laws; but let the pages of history be turned and startling facts are revealed to those who search for historical truths in regard to the liquor question in early Kansas history.

The liquor problem is an old one in Kansas. About 137 years ago in one of the first books published about the region that is now Kansas, a liquor problem which involved a court martial is recorded. This court martial took place at the order of Captain Meriwether Lewis and was held to mete out punishment to John Collins and Hugh Hall, members of the Lewis and Clark expedition. The one culprit was to receive 100 lashes, and the other 50 for getting drunk while on sentinel duty, thus exposing the entire party to an attack from the Indians. This trial took place at eleven

o'clock on June 29, 1804, on the present site of Kansas City, Kansas. Since whisky in those days was considered a necessity, a large quantity was carried by this expedition; but evidently Captain Lewis knew the evil effects of the beverage on his men or he would not have been so severe with the two men for becoming intoxicated.¹

When the Lewis and Clark expedition paused on Kansas soil in 1804, no white settlers were present; but soon the missionaries came and upon their heels followed the traders with whisky as a part of their wares.

From the time of the Lewis and Clark expedition in Kansas down to 1848 little can be read of the liquor question; but in 1848 Tuckquas, an Indian chief, prohibited the sale of ardent spirits in his tribe.² This was thirty-two years before Kansas put a prohibition amendment into the constitution, and during each of those thirty-two years there was almost a constant agitation for some sort of law to control the use of intoxicating drinks in the bounds of Kansas.

¹Reuben Gold Thwaites, (Editor for) Original Journals of the Lewis and Clark Expedition 1804-1806, With Facsimiles, Maps, Plans, Views, Portraits and a Bibliography. Printed from the Original Manuscripts in the Library of the American Philosophical Society. (7 vols., New York City, Dodd, Mead and Co., 1904) I, 61, 62.

Vol. I contains Journals and Orderly Books of Lewis and Clark, from River Dubois to Two-Thousand Mile Creek; January 30, 1804 - May 5, 1805. See Appendix I for copy of court martial of John Collins and Hugh Hall.

²"Once More Kansas is to Vote on the Prohibition Question." Kansas City Star, Sept. 9, 1934.

Most of the election days prior to the organizing of a provincial government in Kansas were stormy ones. November 20, 1854 was election day in Lawrence. The slavery question was the burning issue of the hour. A part of the election crowd had gathered around a barrel of whisky discussing the political questions of that time. As the men warmed up a bit, they grew quarrelsome, and as they separated to go to their several homes, the feeling among them was not one of brotherly love. John Collins and his friends started home on foot and, when they were about three miles out of Lawrence, the party was passed by a wagon containing Lucius Kibby and his friends. Mr. Kibby, thinking that Mr. Collins was trying to burn a cabin situated by the road, made a few remarks that caused Mr. Collins to become offended. The quarrel was taken up by a Mr. Davis, friend of Collins, and he drew a knife on Kibby. The affair ended with Kibby shooting Davis. Kibby gave himself up and was tried for first degree murder and acquitted. This was the first murder trial in Kansas Territory and very likely would have never happened if the men had not been imbibing from the whisky barrel before they started home on that Lawrence election day.³

Andrew H. Reeder, who was appointed by President Pierce as the first governor of territorial Kansas, in his

³ A. T. Andreas, History of the State of Kansas, A Full Account of Its Growth from An Uninhabited Territory to a Wealthy and Important State. (Chicago, A. T. Andreas, 1883) 317. Hereafter cited as Andreas, History of the State of Kansas.

message to the legislature in 1854 made a plea for some sort of liquor regulation. Reeder declared that something must be done because of the large number of Indians interspersed with the whites. He also added that the nature of the Indian is aroused to its worst passion if he is allowed the free use of liquor, and that much damage to both races would result if something were not done. The members of this legislature agreed with the governor that some measure must be introduced to control liquor. George M. McDougal, Graham Rogers, Captain Blackhood and William Rogers, all Shawnee Indians, presented petitions imploring that something be done to save their race from the degradation of the unprincipled whites who sold ardent spirits to the Indian tribes. This legislature did pass a rather weak prohibitory law that was not any too well enforced or received either by the Indians or the whites. This law prohibited the sale and manufacture of liquor in Indian territory or reservations within territory held by Indians in their tribal character.⁴

Shortly after the passage of the law by the legislature of 1855⁵ there grew up in the larger settlements a strong desire to control the use of intoxicating liquors in local communities. Topeka was a leader of this movement. On March 12, 1855, the Topeka Association adopted a code of by-laws, one of which read as follows:

⁴ Clara Francis, "The Coming of Prohibition to Kansas," Collections of The Kansas Historical Society, XV, 193.

⁵ See Appendix II for terms of Dram-shop Law of 1855.

No member of this association shall be permitted to buy, sell, or give away where profit accrues, any intoxicating liquors of whatever kind, nor permit them to be bought, sold, or given away where profit accrues, upon his premises; and the full force of this article shall attach in all its particulars to the entire shares which any member may sell, exchange, transfer, give away, or make over by any process, to any other person whatever, and shall be so mentioned in any article or deed of sale which may hereafter be made in the exchange of city shares or parts of shares; and further, the full force of this article shall attach in all its particulars to the city lots to be donated to actual settlers, and also to any interest now held or which may hereafter be held by the Emigrant Aid Company in this city property; Provided, That nothing in this article shall be construed to prevent the sale and use of liquors for medical, mechanical or sacramental purposes, under penalty of the forfeiture of the premises on which such sale, or gift of liquors may be made to the Topeka Association.⁶

This law was evidently violated, for on May 14, 1855, a meeting of the Topeka citizens was held at the boarding house of Mr. A. W. Moore to consider the best methods of preventing the sale of intoxicating liquor in Topeka. Dr. Martin, one of the temperance leaders of Topeka, said that it was a well known fact that liquor was being sold both to whites and Indians and that not only the morals and reputation of the place had been impaired but also the property and lives of the settlement had been endangered. Resolutions were drafted at this meeting condemning the liquor business and pledging the coöperation of the citizens to the task of ridding Topeka of intoxicating liquors and saloons. The resolution also upheld the law of the Topeka

⁶ F. W. Giles, Thirty Years in Topeka, (Topeka: George W. Crane and Co., 1886) p. 102.

Association and appointed a constable to enforce the demands of the citizens. Again on July 4, 1855 the citizens of Topeka, under the leadership of Dr. Martin, met on a prairie outside of Topeka for the celebration of the Fourth of July. The prohibition issue was brought up and the citizens became enraged over the activities of the liquor dealers, formed themselves into a committee, and marched to the place where the liquor was sold. They demanded that the proprietor give them his supply of liquor. He flatly refused to do so at first but compromised by giving it up for a certain sum of money. The liquor barrels were rolled out into the street, the heads knocked in, and the contents destroyed.⁷

After this episode little is heard of the liquor question in Topeka until the spring of 1857, when a high class dram shop was opened at Number 50 Kansas Avenue. The interior of this place had a New York bar room atmosphere. This was too much for the temperance advocates of Topeka, and they waited for an opportunity to come their way to rid the community of this place of iniquity and its keeper. The chance was not long coming, for one Charles Leonhart, a bright but intemperate reckless young fellow got into an argument with the proprietor one evening in July, 1857. A temperance advocate happened to be just outside the door and heard the argument. He also knew the traits of this boy when he was drinking, and so he called in to young Leonhart

⁷Andreas, "Topeka", History of the State of Kansas, p. 541.

in a loud voice, "Clear them out, Charley!" and the boy obeyed. Out of the window and door came bottle, stools, jugs, chairs, and glasses with astonishing rapidity. People soon congregated to see the fun and also to help the enraged Charles. They cleared the place of anything that had ever had the slightest introduction to liquor. The crowd by this time had grown into an infuriated mob, bent on getting rid of all the liquor in Topeka. The next place was on the southwest corner of Fifth and Main Street where a considerable amount of beer was stored, and this was quickly destroyed. The mob then passed on to the southeast corner of Fifth and Main and destroyed some whisky stored there. Topeka was thoroughly searched for anything that looked, tasted, or smelled like intoxicating liquor. As the night grew darker, several fights took place between the opposing sides. A general disorder prevailed up and down Main Street. Law suits grew out of this wholesale destruction of liquor and property. It is said that \$1500 worth of property was destroyed on this night, and both those in favor of liquor and those opposed to it knew that something must be done in the way of controlling the liquor traffic law because nothing was gained from mob rule.⁸

The affairs of the territory during the territorial and early statehood days in Kansas were carried on by the

⁸F. W. Giles, op. cit., pp. 102-104.

masculine part of the population. The women had not been given the right to vote, but no doubt they were often consulted on the issues of the times. Both men and women were becoming interested in the liquor question. They organized temperance lodges and societies and became active in the cause of temperance.

The Topeka legislature convened in interest of the Free State movement on March 4, 1856. A temperance meeting was held on March 4 in Convention Hall for the purpose of discussing the temperance cause, and on March 11, the unforeseen happened. War against liquor was formally declared in a memorial presented to John Brown, Jr., one of the members of the legislature, from a group of fifty-six ladies of Topeka.⁹ This memorial¹⁰ was referred to the Committee on vice and immorality. Almost before the legislators had received and disposed of this memorial from the Topeka ladies, a second one came in from ninety ladies of the nearby community of Lawrence.¹¹ This memorial was also passed on to the same committee. No action was taken on either of these memorials, for on March 15, 1856, the legislature took a recess until July 4, and when it re-convened it was immediately dispersed after roll call by Colonel Sumner and his command, at the order of the President of the United States.

⁹ Clara Francis, loc. cit., 195, 196.

¹⁰ See Appendix III for sections of the memorial of Topeka ladies.

¹¹ Clara Francis, loc. cit., 196.

The legislators were never very enthusiastic about committing themselves on the liquor question. Its control was left mostly to local committees, and as is often the case with politicians much of the fighting was done with words behind closed doors and little legal action ever came of it; but here and there, quarrels flared up between the liquor dealers and the temperance advocates which resulted in liquor spilling.¹¹ James Montgomery, a free state leader, appeared

In the early spring of 1856 at a small village known as Big Springs, which is fifteen miles west of Lawrence, occurred a liquor spilling. Dr. Carter, the proprietor, was definitely told that intoxicating drinks would not be tolerated in the town and that anyone violating the rule would be dealt with severely. Dr. Carter later learned that this threat was not idly made, for his drug store was visited by forty men and women and the liquor found there destroyed.¹²

In the winter of 1856 the town of Lawrence witnessed a liquor spilling. The leader of this group was Miss Spencer, a young and active Lawrence school teacher. The ladies had felt for some time that there were too many saloons in Lawrence, but they lacked a leader. One of the ladies suggested this idea to Miss Spencer. She quickly gathered a crowd of seventy ladies and a few of the braver husbands of the group and marched down Main Street entering the saloons and destroying the liquor found there. Only in one instance

¹²

Andreas, History of the State of Kansas, p. 352.

¹⁵ See Appendix II for Liquor Law of 1835.

¹⁶ See Appendix IV for Liquor Law of 1859.

were they threatened by a saloon keeper and his objections were soon silenced by some of the men.¹³

The liquor spillings were not all confined to one part of the territory, for at Trading Post in Linn County there is one recorded in 1858. Trading Post had several saloons, but one was known as the "Pro-Slavery Doggery." It was the headquarters of the pro-slavery group of that section. In April, 1858 James Montgomery, a free state leader, appeared in Trading Post with twenty of his followers and for some unknown reason Montgomery and his crew entered the "Doggery", rolled the barrels of whisky out into the street, and destroyed them.¹⁴

Too much blame for the liquor situation should not be placed upon the men that met in the early Kansas Legislature because they did try, after a rather feeble fashion, to pass liquor control laws. The first one was the Indian Liquor Law of 1855 which forbade the selling or giving to Indians of any ardent spirits. The second attempt was the Dram-shop Law of 1855¹⁵ which was taken bodily from the Missouri Dram-shop Law. This was a local option law and was a reasonably good one. In 1859 another law was passed. It was quite similar to the law of 1855. This law of 1859 was in effect until after Kansas became a state.¹⁶ It was considered to

¹³"Many Saloons in Kansas," Kansas City Star, May 18, 1936.

¹⁴"Many Saloons in Kansas Smashed Before Carrie Nation's Crusade," Kansas City Star, May 18, 1936.

¹⁵See Appendix II for Liquor Law of 1855.

¹⁶See Appendix IV for Liquor Law of 1859.

be the best of all the early laws passed in Kansas to control the liquor traffic, although it, too, created a license system exempting incorporated towns of 1000 or more inhabitants. The law was unsatisfactory and was disapproved by temperance workers. ¹⁶ Kansas was now fast becoming a territory of importance and was demanding statehood. The Wyandotte Convention met at Wyandotte in the summer of 1859. The meeting place where the organic laws of the state were to be framed was a dark forbidding structure of three stories. The historic room where the delegates met was a large, gloomy place. The thoughts of creatures of the underworld would be more likely to come into the observer's mind than laws that were to govern a state. Sawdust was spread down the aisles and around the speaker's desk. What for? The guess of the reader would be as good as that of the writer. The room directly under this large room contained a bar especially set up for the delegates.¹⁷ To this rather uninviting place came John Ritchy, a delegate from Shawnee County, on July 11, 1859, with the following resolution on the liquor question: "Resolved, That the Constitution of the State of Kansas shall confer power on the legislature to prohibit the introduction, manufacture or sale of spirituous liquors within the state." This resolution was referred to the Committee

¹⁷ Wm. A. Phillips, "The Wyandotte Convention," The Kansas Magazine (Jan. - June, 1872), (Topeka, Kansas, The Kansas Magazine Publishing Company, 1872) I, 1-5.

of the Legislative Department.¹⁸ On July 23, H. D. Preston of Burlingame offered the following amendment: "The legislature shall have power to regulate or prohibit the sale of alcoholic liquors, except for mechanical or medicinal purposes." The resolution and its amendment were discussed at length in the convention. One of the opponents of the resolution was Solon A. Thatcher of Lawrence. Thatcher was a temperance man but believed that the convention was not the place to settle it. He was of the opinion that the convention had more important business to perform than to make rules and regulations to control liquor. Wm. Hutchinson, newspaper correspondent, and delegate to the convention from Shawnee County, was strongly in favor of the resolution and its amendment. He argued that it would close the liquor question to discussion and settle the issue once and forever. Considerable time was given to the discussion of the resolution and its amendment by Preston, and the discussion on the subject of temperance legislation came to a close in the Wyandotte convention with nothing being accomplished.¹⁹

In 1860, a law known as the Indian Liquor Act was passed. This act forbade the sale, exchange, gift, or barter of spirituous liquors or wines to the Indians within the territory unless directed by a physician for medical purposes.

¹⁸ Wyandotte Constitutional Convention Kansas 1859,
(Topeka, Kansas State Printing Plant, 1920) p. 76.

¹⁹ Clara Francis, loc. cit., pp. 199, 200.

Milton Faber, "Kansas Reaches Fifty Year Mark in Prohibition," Topeka Capital, April 26, 1931.

There was a heavy penalty attached for the violation of the law. By this time the Indians, like their erring white brothers, were becoming experts in obtaining fire water. There was a great need for this act for the protection of both life and property.²⁰

In 1860 the temperance people of the Kansas territory became strong enough to organize. They held their first annual meeting in Lawrence, October 9, 1861. This society passed resolutions giving views of how they intended to control the liquor question. The members of this first temperance society were made up of persons who had been in the limelight of the territory from the beginning. They were men of the highest type and of the best social standing coming from widely scattered communities. The names of Amos Hunting, H. M. Green, J. P. Root and Abraham Ellis, later known as "Bullet-hole Ellis" appear many times on the roster of the early Kansas Assemblies. These men and many others were always allied with laws and reforms that would make their state an outstanding one.²¹

Kansas became a state on January 29, 1861, and she came into the Union without a satisfactory liquor law written upon her statute books.²² This important question was destined to be settled in the coming years.

²⁰ Ibid., p. 200.

²¹ Ibid., pp. 200, 201.

²² Milton Tabor, "Kansas Reaches Fifty Year Mark In Prohibition." Topeka Capital, April 26, 1931.

was the scene of such a CHAPTER II in the spring of 1861.

Soldiers were stationed near the town, and a Missouri saloon keeper opened a bar on the main street. The women,

not When Kansas was admitted as a state on January 29, 1861, there was great rejoicing because it came into the Union as a free state. The temperance advocates, however, were not overjoyed, because the liquor problem was still left unsolved by the new constitution. This problem was growing more complicated with each passing day. The Civil War soldiers were coming into Kansas and there was much guerrilla warfare being carried on between opposing factors. New settlers were arriving daily, and along with these groups came the gambler, saloon keeper, and prostitute. With the coming of this group of undesirables the law abiding inhabitants of the state knew that they must do two things to maintain the safety of their homes. They must ever be ready to fight lawlessness and must pass laws safeguarding their rights as American citizens.

1867 In the pre-statehood days, Kansans of the law abiding type sometimes took the law in their own hands and drove out the violators. In many instances the liquor problem was thus dealt with, but the saloon keeper was always like the bad penny; he either moved to more fertile ground or waited till the trouble had blown over, and then reopened his business. The women of various localities often settled in their own way the question of whether a saloon should or should not be allowed in their community. Mound City, a small rural center,

was the scene of such a disturbance in the spring of 1861. Soldiers were stationed near the town, and a Missouri saloon keeper opened a bar on the main street. The women, not liking to see a group of drunken soldiers reeling down the street, invited their husbands to rid the place of this sight. The husbands did nothing, and so one day the women of Mound City, aided by their sisters from Moneka, a nearby village, descended on the place of their wrath as locusts settle in a field. They were armed with axes and hatchets and soon made a wreck of the saloon's interior. Some of the saloon's inmates started to interfere but were stopped by a bystander with a gun. Mound City was rid of saloons and bartenders, but it took the women to do it.¹

By 1867 temperance sentiment was becoming firmly entrenched in Kansas. Outside speakers were invited in. Dr. Chas. Jewett of Connecticut, an outstanding lecturer, came in to Topeka during the session of the legislature in 1867. His lecture stimulated the temperance sentiment to the extent that the women, though not given the right to vote, were taken into consideration by the men seeking office.²

An act amending the Law of February 11, 1859 was approved on February 21, 1867 by the legislature. The act

¹ Clara Francis, loc. cit., 201.

² Ibid., 202.

provided that before a dram-shop could be opened in a township or ward of a city, a petition must be circulated, and a majority of both men and women sign before the license could be granted. A license tax of not less than fifty dollars nor more than five hundred dollars was to be paid to the country or city treasury at the time the license was granted. Many of the legislators were happy at the passage of the act, but Dan Killen of Wyandotte was particularly happy and offered a resolution³ to be spread upon the journal thanking all who had voted for House Bill Number 157, the number under which the amendment was known. The year of 1868 was chosen to revise all the general statutes of Kansas that had been made in territorial days or early statehood days.⁴ The Amendment of 1868 was rewritten in the Dram-shop Act that went into effect October 31, 1868.⁵

After the passage of the Dram-shop Law of 1868 the persons opposed to the liquor control by the state started an active campaign to rid the Statute Books of any control bills. The temperance people were also active in trying to strengthen the laws. The legislature met at Topeka on January 18, 1872. The Kansas State Temperance Union was also in its annual session and the legislators were invited to attend

³ Andreas, "Prohibition in Kansas", History of the State of Kansas, p. 287.

⁴ Ibid.

⁵ See Appendix V for Dram-shop Law of 1868.

its sessions. The brewers of Leavenworth heard of this invitation and immediately invited the legislators to attend a beer banquet to be held on January 18, 1872, in the late afternoon. These men, seeking to retain their friends in both camps, accepted both invitations. This worked a little hardship on them, for the beer banquet came first, and it was not just in order to attend a temperance lecture with the odor of beer on one's breath. The two affairs came off as scheduled; there were no casualties, but the poor legislators hoped that there could be more harmony among their constituents in the future.⁶

The revision of the Dram-shop Law of 1868 did not control the traffic in liquor nor satisfy the residents of Kansas who wished to see their state a dry one. The enemies of the cause always seemed to find a way to evade the Dram-shop Laws. They either elected officers that were in sympathy with them or sought means to evade the laws. One method was the organizing of "Social Clubs." These clubs were in reality open saloons, and the law abiding citizens soon outlawed them. Hiawatha had a "Social Club" opened for business on October 7, 1875. The proprietors were F. W. Rohl and H. Stauff. This club soon became the meeting place of bibulous individuals who had an uncontrollable desire to quench their thirst. The law abiding citizens decided to close the club and run its owners out of town.

⁶Clara Francis, loc. cit., 208, 209.

They sent the officers to make the arrests. Rohl and Stauff saw them coming, barred the door, and dared the officers to enter. The officers went for help, returned and knocked the door in, arrested the owners, destroyed the liquors found there, and scattered the inmates of the club. A lawsuit followed but the citizens won the case and the club was closed.⁷

Girard, a small town located in Crawford County, also was the possessor of a "social Club" in 1878. Its owners were W. J. Waters, A. Silgele, R. Dorman and M. Z. Miller. This club also became the meeting place of the undesirable class of people in the town. Suit was brought against Waters and his friends. He was convicted and his business was closed.⁸

In some localities saloons were opened and their proprietors paid no attention to the law. Their enemies were in the minority, and in this fact their business remained secure. Dance halls and gambling devices were usually in the same quarters with the bar. Lawless crowds congregated, and shooting affairs were so common that little attention was paid to them. "Rowdy Joe's" saloon in Wichita was known over the state as a place of vice. His receipts at the bar averaged one hundred dollars nightly for months.

⁷ Andreas, "Prohibition in Kansas", History of the State of Kansas, p. 714.

⁸ "Social Clubs", Girard Press, January 31, 1878.

¹² Andreas, "Newton", History of the State of Kansas, p. 775.

¹⁵ Kansas City Star, March 16, 1922.

Men were shot in this saloon and nothing was ever done about it.⁹ The citizens considered the place a necessary evil and let it alone. After the completion of the Atchison, Topeka, and Santa Fe Railroad, Newton became the shipping center for immense herds of Texas cattle that formerly had been driven to Abilene, a wild cow town of early Kansas.¹⁰ Newton came into being almost over night. Its population was composed of every class, color, and nationality. The gambler, "Soiled Doves",¹¹ and the scum of the earth were to be found mingling with the plainsmen and the eastern cattle buyers. In a short time fifteen houses of amusement all containing bars, were opened. These places bore such names as "Do Drop Inn", "The Side Track", "Gold Room" and other names suggestive of the times. Murders were common and crime ran wild. The better class of citizens were in the minority, and from 1871 to 1873 Newton was controlled by the worst element of the town.¹²

In 1867 Hays had seventy-five saloons and its famous "boot hill", where it is said forty-five persons were buried, all having met violent death in one of the drinking places.¹³ Oswego had its first licensed saloon in 1868,

⁹ Andreas, "Prohibition in Kansas", History of the State of Kansas, pp. 1390-91.

¹⁰ Milton Tabor, "Wild Cow Towns", Topeka Capital, April 30, 1933.

¹¹ The name of "Soiled Doves" was given to prostitutes of Newton.

¹² Andreas, "Newton", History of the State of Kansas, p. 773.

¹³ Kansas City Star, March 16, 1922.

which was the scene of a brutal murder on the night of August 6 when Chas. Van Alstine killed J. C. Wheeler in a drunken brawl. Van Alstine was convicted and sentenced to the penitentiary for the crime. Both men left families to be cared for at public expense. Before the case was settled, and the families sent to relatives in the East, two thousand dollars had been spent by the county officials. The original cost of the license was fifty dollars, and the country was out nineteen hundred and fifty dollars. The whole tragedy could have been avoided had it not been for the greed of a few for a license and a chance to satisfy their desire for intoxicants.¹⁴ sleeper, Godfrey.¹⁵

Often ridiculous situations presented themselves when men were under the influence of alcohol. Great Bend in 1872 was infested with a number of bars. One afternoon a certain Godfrey, a young and promising attorney, was kicked from the doorway of one of the saloons drunk. The night was cold and young Godfrey froze to death. His body was carried into the office of Dr. Blaine and left. The relatives were notified and were on their way to claim the body. In the meantime a snow storm blocked all roads and the relatives did not arrive. On the following Sunday some of the dead man's cronies were gathered in a post office around the whisky barrel. One drunken fellow exclaimed,

¹⁴ Nelson Case, History of Labette County, Kansas From the First Settlement to the Close of 1892. (Topeka: Crane & Co., 1893), pp. 258-259.

¹⁵ T. A. McNeal, What Kansas Was Young. (New York: The Macmillan Co., 1922) pp. 73-76.

"Let's plant Godfrey" and immediately his companions thought the idea a good one, so they borrowed a wagon, and some also went on horseback. They took the body and started for the burial ground where a grave was already dug to claim another body. On the road to the burial ground, a dog scared up a rabbit. The riders gave chase and later joined the procession. The grave was reached and the body placed by the side of it. An attorney, also drunk, was asked to say a few words. He was in the middle of his address when another rabbit was scared up by the dog and away the mourners raced leaving the attorney to finish his address to the silent dreamless sleeper, Godfrey.¹⁵

Medicine Lodge was the scene of a tragedy that the inhabitants never forgot. One summer afternoon, a long, lean good-natured farm boy, John Garten by name, rode into the town. He was harmless and murder was far from his thoughts. He was invited to drink some whisky and became drunk. He started home riding in a drunken fashion. A mother and her daughter were walking home and as Garten passed them he shot at the daughter and killed her, then rode on not realizing that murder had been committed. He was arrested but escaped into New Mexico. The girl's father followed him and it was reported that he, too, became a murderer.¹⁶

From 1868 to 1873 a prohibition amendment to the Constitution began to be talked of, but not hopefully. The

¹⁵Andreas, "Great Bend", History of the State of Kansas, pp. 766-67.

¹⁶T. A. McNeal, When Kansas Was Young, (New York: The Macmillan Co., 1922) pp. 73-76.

legislature of 1873 was inclined to leave such legislation alone. By 1874 the Women's Crusade had reached the state. Along with the crusade came a new method of fighting the saloon. The women entered on their famous praying campaign. They entered the places where liquor was found and held a session of prayer for the bar keepers. This was too much for those gentlemen. They would have prayed, if praying were in their line of business, for the crusaders to leave off the prayers and bring out the axe and hatchet instead. They could dodge the hatchet but not the prayers.¹⁷

In the legislature of 1874, House Bill number 209 was introduced. This bill was a menace to the keepers of breweries. It passed the House and was sent to the Senate where it was referred to the Committee on Retrenchment and Reform. John P. St. John,¹⁸ a member of the Senate made a desperate effort in behalf of the bill. It was finally reported for consideration but was blocked by numberless motions and died on the calendar. During the session, temperance workers presented thirty-four petitions to the legislature, and 12,000 signatures were received from the enemies protesting any change in the present law.¹⁹

In 1875 there were three different bills introduced in the Senate to amend the Dram-shop Law of 1868. All

¹⁷ Clara Francis, loc. cit., 209.

¹⁸ See Appendix VI for Sketch of Life of John P. St. John.

¹⁹ Clara Francis, loc. cit., 210.

either died on the calendar or were killed in the committee stage. The House also introduced three. They, too, met the same fate.²⁰

In 1876 renewed efforts were made to secure legislation relating to the restraint of the dram-shops. A bill, Number 216, was introduced in the House by J. J. A. T. Dixon of Russel County on January 24. It passed on February 22 with fifty-five yeas and thirty-eight nays. At the evening session George W. Glick,²¹ a member of the House from Atchison, entered a protest²² against House Bill number 216. Glick declared that his constituents did not want the law on the control of dram-shops changed because the liquor traffic could be controlled under this law better than under any new bill that had been offered. He further said that the taxation would be increased greatly if the license system were repealed.²³ Glick was a Democrat, a foe of prohibition, and a powerful speaker. He aroused much discussion for the proposed legislation, and on February 23, a motion was made by a legislator from Leavenworth to reconsider the bill but the motion lost. The bill was sent to the

²⁰ Clara Francie, loc. cit., 210.

²¹ See Appendix VII for Sketch of Life of George W. Glick.

²² See Appendix VIII for the protest of Mr. Glick against House Bill number 216.

²³ Andreas, "Prohibition in Kansas", History of the State of Kansas, p. 241.

Annals of Kansas. New Edition, 1881-1885 (Topeka: T. Dwight Thacher, Kansas Publishing House, 1883) p. 793.

Senate and was killed on March 2, two days before the adjournment of the legislature.²⁴

The political parties in Kansas up to 1874 had never been interested in the cause of temperance, but in 1874 the Republican Party recognized the issue in the following plank:

Resolved, That drunkenness is one of the greatest curses of modern society, demoralizing everything it touches, imposing fearful burdens of taxation upon the people, a fruitless breeder of pauperism and crime, and a worker of evil. Hence we are in favor of such legislation both general and local as experience shall show to be the most effectual in destroying this evil.

This was the first recognition of the question in Kansas by a great political party.²⁵ The Democrats, as a party, never took any notice of the prohibition question. The Greenbackers at their annual convention in Emporia, 1878, gave their approval of temperance but took no action toward writing into their platform a plank dealing with the liquor question.²⁶ Most of the temperance people seemed to be in the rank and file of the Republican party, for in 1878 the candidate for the governorship was John P. St. John, who had been identified with the prohibition question since his arrival in Kansas in 1869. He was rated as an interesting speaker and had a capacity for

²⁴ Clara Francis, loc. cit., 210-11.

²⁵ Ibid., 209.

²⁶ See Appendix IX for contents of Governor St. John's message. D. W. Wilder, Annals of Kansas, New Edition, 1541-1885 (Topeka: T. Dwight Thacher, Kansas Publishing House, 1886) p. 793.

making friends wherever he traveled over the state. He was an avowed enemy of alcohol. He made people see the disastrous results on the morale of the state from the utter disregard of the law and the heartlessness of the saloon keeper in selling to minors and besotted drunkards. People who had never taken sides now found themselves fighting on the side of St. John. He was elected by a majority of 2,744 votes over his opponent.

Governor St. John delivered his message to a joint session of the Senate and House on January 16, 1879. He plead with the legislators to put liquor traffic out of business. He called their attention to the enormous amount of money spent annually for intoxicating drink, an amount so large that it would defray the cost of state government, including charitable institutions, the agricultural college, normal school, university, and penitentiary. The governor said that something must be done to stop this great waste of money, and advocated the change of the first section of the Dram-shop Law of 1868 to allow cities, towns and townships in the state, irrespective of the particular class to which they belonged, to make their own choice. Governor St. John really wanted the manufacture and sale of intoxicating beverages to be prohibited in the state but he felt that such a change would never pass the legislature.²⁷

²⁷See Appendix IX for contents of Governor St. John's message to the joint session of the Senate and House, July 16, 1879.

Resol The reaction to the governor's message was answered with almost a perfect bombardment of bills from both the House and the Senate. The first action was a resolution requesting the committee on temperance to examine the statutes for reference to needed legislation and report to on the House either by "bill or otherwise." This was on January 21, and two days later a bill to amend the Dram-shop Act of 1868 was introduced by William Moore of Republic County. This bill which was known as House Bill Number 86, was an act to amend section eleven of chapter thirty-five of the statutes of 1868, regulating the sale of intoxicating liquors. It was read for a second time and referred to the standing committee on temperance. On February 8, House Bill number 188 was introduced by T. J. Calvin, chairman of the committee on temperance. This bill was an act amending the act to restrain dram-shops and taverns and to regulate the sale of intoxicating drinks. Petitions from thirty counties were received favoring the proposed changes, and a petition signed by 2,152 voters against any change of the law was received from Atchison county. Both House Bill number 86 and House Bill number 188 failed because of a constitutional majority in the Senate. In the meantime House Bill number 110 was introduced by George Taylor of Clay County. This one never came out of the committee. On February 10 Joint Andreas, "Prohibition in Kansas", History of the State of Kansas, p. 288.

Resolution House Bill number 5 was proposed. This bill proposed an amendment to Article 15 of the Constitution of Kansas relating to the manufacture, importation and sale of intoxicating liquors. It was introduced by C. E. Faulkner of Salina. This bill was referred to the committee on judiciary and later to the one on temperance. It was reported to the House with a recommendation that it be passed. The last bill introduced in the House came on February 14. This was House Bill number 336, an act to authorize county commissioner and councils of incorporated cities to grant a license for the sale of intoxicating liquors for medical purposes. It also failed to pass by a majority.²⁸ The House, if we may judge by evidence of the number of bills introduced, had good intentions and tried to carry out the Governor's temperance views, but the foes were too many and nothing was accomplished.

The House was not alone in its introduction of prohibition bills, for the Senate also was the author of several. The first one came on January 29 in the form of Senate Bill number 17 introduced by Senator Grass of Independence. A substitute measure known as Senate Bill number 32 took the place of the original one. This act was introduced by John T. Bradley of Council Grove and was sponsored by the Temperance Union of Kansas. It recommended that Chapter 35 of

²⁸

Clara Francis, loc. cit., 214-15.

Andreas, "Prohibition in Kansas", History of the State of Kansas, p. 288.

the General Statutes of 1868, an act to restrain dram-shops be passed by the Senate. This bill was reported out of the committee and got to the floor of the Senate for debate. Senate Bill number 115 introduced by Senator R. W. Williams of White Cloud, Senate Bill number 150 written by A. M. Kellogg of Clay Center, and Senate Bill number 157 introduced by Senator George F. Hamlin all died on the calendar or in the committee stage.²⁹

Temperance legislation had been occupying too prominent a place in the legislation; the legislators were growing uneasy and weary at even the sound of the word "prohibition." They were looking for a means of escape from the labyrinth of bills dealing with the subject. They had reached the place where they did not care what bill was passed; the only thing they wanted was the calendar cleared of all legislation dealing with intoxicants. At this point of saturation Detwiler, the representative of the Good Templars, a prohibition society, appeared in Topeka. He brought a huge petition and immediately started a bombardment of the legislators with petitions. Detwiler copied the names and arranged them according to legislative districts. He then approached three or four members daily and presented them with a list of their own constituents asking each to examine the petition and present it to the body of the legislation to which he belonged. This mode of attack was kept

²⁹Clara Francis, loc. cit., 215.

up for over a week and then suddenly stopped. The legislators now were at a loss what to do. They still had Senate Bill number 32, an act sponsored by the Temperance Union, but it was being stubbornly contested by powerful lobbyists from the brewers of Kansas. In the meantime Detwiler had asked Judge N. C. McFarland,³⁰ an eminent lawyer and temperance worker, to write a joint resolution submitting an amendment to the Constitution of the State relative to the manufacture and sale of intoxicating liquors. This resolution had to be perfect in legal technique for the foes of temperance had prominent lawyers on their side. Judge McFarland, because of his governmental experience, was a good choice of the "drys." Two days later he handed the resolution to Detwiler. This resolution, later known as Senate Joint Resolution number 3, was introduced by Senator George F. Hamlin, Linn County, on February 8. This resolution was quickly referred to the committee of the whole and printed. It was so quietly and quickly done that the opponents hardly knew that any such bill had been introduced. It came as a faint ray of hope to the harassed senators. They immediately substituted this resolution for Senate Bill number 32, and returned it from the committee. There was no fight in the Senate over Joint Resolution number 3. The liquor

³⁰ Joseph G. Waters, "Samuel A. Kingman", Transactions of the Kansas Historical Society, IX, 45-46. Read footnote at bottom of pages referred to for comments on Judge N. C. McFarland.

Prohibition in Kansas, 1895-1901. (T. E. Stephens, Compiler, Topeka: Kansas Farmer Co., 1902) p. 18. Hereafter cited as Prohibition in Kansas, 1895-1901.

lobby did nothing. They felt that their strength in the House was too great to let it pass there. The vote came on February 21, 1879, with thirty-seven yeas and no nays.³¹ The resolution was immediately transmitted to the House, where it was referred to the committee on temperance on February 26. F. J. Calvin of Labette County was chairman of this group and recommended the passage of the resolution. The bill came up for roll call on March 5 at the evening session of the House.³² This night meeting is considered one of the most dramatic ones in Kansas history. The vendors of alcohol and their lobbyists tried every trick imaginable to defeat the measure. The temperance cohorts were equally active. The governor was often seen on the floor holding conferences with friends of the proposed bill. The gallery was crowded with the curious, both friends and foes, and as the time for the roll call drew near the situation became more tense. Both sides were confident of victory. The fatal roll call started, and the enemies of the measure were all on hand to say "nay" when their names were called. Things began to look gloomy for the other side. A hurried conference was held and the friends began to become worried over the outcome of Joint Resolution number 3, but as the stragglers came in the vote changed to the side of the

³¹ Clara Francis, loc. cit., 215-16.

³² James A. Troutman, "Mile Stones in the History of Kansas Temperance Reform" in Prohibition in Kansas, History and Beneficial Results and How to Maintain and Enforce the Law, 1895-1901. (T. E. Stephens, Compiler, Topeka: Kansas Farmer Co., 1902) p. 18. Hereafter cited as Prohibition in Kansas, 1895-1901.

prohibitionists. A two-thirds majority was needed and now only one vote was needed for the passage of the resolution. Who would be the one to change his vote from "nay" to "yea?" Governor St. John left his chair and moved among the House members seeking for some one that he might influence to change his vote. He noticed a representative, George W. Greever, a Democrat from Wyandotte County, who seemed to be weakening. He kept looking into the balcony and seemed to be searching for some one to help him decide what to do. A woman hurried from the gallery and came to the desk of Greever. She held a hurried conversation with him, patted him on the shoulder and returned to her seat. He sat for a moment in deep study, then suddenly jumped to his feet and yelled, "Mr. Speaker, I wish to change my vote from "Nay" to "Yea."³³ The question might well be asked who was the woman who was able to change a man's mind? Her name was Mrs. George Greever,³⁴ the bride of the representative from Wyandotte County. Senator Burcham, leader of the opposition, exclaimed, "I knew he would do it. She is a temperance crank, and he is foolish about her." Thus a woman had saved the day for the prohibitionists of Kansas.³⁵ Senate Joint Resolution number 3, now as a legally proposed amendment,³⁶ was to go before the people of Kansas for acceptance or rejection at the November election.

³³Grant W. Harrington, "The Genesis of Prohibition", The Collections of the Kansas State Historical Society, XV, 228.

³⁴Ibid., 229.

³⁵Ibid., 230.

³⁶See Appendix X for contents of the proposed amendment to the Constitution.

The saloon keepers of Kansas are really the ones to whom praise should be given for the proposed prohibition amendment to the State Constitution. Senator William Bur-
cham, leader of the opposition, declared that the wets had misjudged their strength in the House and that even then they thought that the voters would not give the proposed amendment a majority at the coming election.³⁷

The wets said that the amendment was a joke; however the rank and file of Kansans did not consider it one and organized their forces for battle against the liquor interests of the state.

³⁷

Grant W. Harrington, loc. cit., 229.

One of the most popular societies was known as the Independent Order of Good Templars, a society organized at Utica, New York, in 1851 and brought to Kansas in 1857. The first lodge was organized at Iowa Point, a small town in Doniphan County.¹ In 1858 a lodge was formed in Topeka; others were organized at Tecumseh and Lawrence. By September 26, 1860, there were enough lodges to warrant the formation of a Grand Lodge, which was organized at Topeka by Samuel F. Burdette. The Independent Order of Good Templars had a very strict set of rules governing their

¹ Andreas, "Doniphan County", History of the State of Kansas, p. 490.

CHAPTER III

AGENCIES FOR AND AGAINST

THE PASSAGE OF THE PROHIBITION AMENDMENT

The prohibitionists of Kansas were organized into a number of clubs and societies. Oftentimes the clubs were merely groups, which met in the homes of some interested person for a social evening and had as their main topic of interest, the liquor problem. At other times the people were organized into societies with well defined constitutions. These societies were joined with those of other communities until the organization was state wide. It had a strong influence in gaining legal help against the saloon keepers and their business.

One of the most popular societies was known as the Independent Order of Good Templars, a society organized at Utica, New York, in 1851 and brought to Kansas in 1857. The first lodge was organized at Iowa Point, a small town in Doniphan County.¹ In 1858 a lodge was formed in Topeka; others were organized at Tecumseh and Lawrence. By September 26, 1860, there were enough lodges to warrant the formation of a Grand Lodge, which was organized at Topeka by Samuel F. Burdette. The Independent Order of Good Templars had a very strict set of rules governing their

¹ Andreas, "Doniphan County", History of the State of Kansas, p. 490.

order. Their tenets were total abstinence from all intoxicating liquor as a beverage; no license in any form, under any circumstances for sale of liquor to be used as a beverage; the absolute prohibition of the manufacture, importation and sale of intoxicating liquors for such purposes, prohibition by the will of the people, expressed in due form of law with penalties deserved for a crime of such enormity; the creation of a healthy public sentiment upon the subject by active dissemination of truth in all modes known to enlightened philanthropy; the election of good honest men to the administration of laws and persistence in effort to save individuals and communities from so dreadful a scourge, against all form of obstacle and difficulty until our success is complete and universal.²

The work of the Good Templars was varied. Their meetings were often of a social nature. Good speakers were brought in from outside of the state; programs, debates, and entertainments were held at regular intervals. The order grew in size until by 1872 there were 173 lodges in Kansas with a membership of three thousand members scattered over the state from North to South and from East to West;³ however, the chief work of the Good Templars, was in lifting the fallen and in saving others from falling. They

²George F. Fullen, "The Independent Order of Good Templars." Prohibition in Kansas 1895-1901, p. 85.

³Clara Francis, loc. cit., 205.

believed in spreading the Christian religion, and in uplifting the drunkard and placing him in a position to be self-respecting and self-supporting. Their work was a constant war against human greed and suffering.⁴ It is no wonder that an order of this nature grew in the state and became one of the potent factors in writing the prohibition amendment into the state constitution.

There were many efficient leaders among the members of the Independent Order of Good Templars, but there were a few that were outstanding in the work. One was Dr. James H. Whitford, a prominent physician and prohibitionist of Garnett. Dr. Whitford had felt for some time that an amendment should be offered for the suppression of the liquor traffic, but not until the legislation of 1872 was there such a bill offered to the legislature. This piece of legislation, known as House Bill number 7, was an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Kansas.⁵ The bill was introduced on January 7, 1872, and was referred to the committee on temperance of which Dr. Whitford was a member. It was reported back to the House for passage but was returned again to the committee and after a long weary debate in this stage was at last returned to the House and passed by a vote of fifty-seven yeas

⁴ George F. Fullen, op. cit., p. 86.

⁵ Clara Francis, loc. cit., 205.

and thirty-four nays. It was sent to the Senate on February 14, but reached that body too late for any action to be taken on it, as adjournment was just four days off.⁶ Unfortunately no copy of this bill has been preserved and the only record that is to be obtained is from the comments of some of the leading newspapers of the state. Most of the articles written were of an unfavorable nature to the cause of the drys. One of the most widely read papers declared the proposed House Bill number 7 was a crazy idea and never could be enforced.⁷ The editor of another paper said that the citizens of his county did not like the law and therefore would not enforce it if it were passed.⁸ Some few papers tried to arouse a racial quarrel between the English speaking citizens and those of German birth. Circulars were written in German by this paper calling a meeting of all interested Germans to defeat House Bill number 7 and to protest against any change in the liquor law of 1868.⁹ The sentiment of the press was decidedly on the side of the liquor interests in Kansas. The Good Templars were responsible for about fifty petitions being presented to the legislature favoring

⁶Clara Francis, loc. cit., 206-207.

⁷"Proposed House Bill number 7", Leavenworth Times, January 28, 1872.

⁸"Happenings in the Legislature", Atchison Weekly Champion, February 3, 1872.

⁹"Meeting of German Citizens to Defeat Temperance", Topeka State Record, January 24, 1872.

¹¹See Appendix for the Detweiler Resolution.

¹²Clara Francis, loc. cit., 212-213.

the proposed bill, but they had nothing in the form of any other literature to offer.¹⁰ The order, at this time, felt keenly the lack of a magazine or paper that could go into the homes of the people and carry their side of the question. They resolved at their earliest opportunity, to organize a company to print either a magazine or a paper, and they also organized a new department known as the department of good literature. In the meantime, J. R. Detwiler of Osage Mission, a very clever man and strictly a dry, decided to print a magazine known as the Temperance Banner. The first issue occurred in October 1878 and for two years was widely read by both sides. Detwiler was a very capable individual for this task. He had the ability to keep people guessing as to what his next move was. He was a member of the Good Templars and at their meeting in Fort Scott in the winter of 1878 he appeared carrying an armful of his magazines that contained a resolution¹¹ proposing an amendment to the state constitution against the sale of liquor. It was favorably received by the delegates present, accepted and sent to over two hundred lodges of the order over the state. Detwiler evidently wrote himself into an office for he was elected Grand Worthy Chief Templar of the Order.¹² He at once took up the duties of his office and started circulars, petitions and magazine articles to inform the

¹⁰ Clara Francis, loc. cit., 207.

¹¹ See Appendix for the Detwiler Resolution.

¹² Clara Francis, loc. cit., 212-213.

public of the needed legislation to control liquor by an amendment. The legislature was to convene in 1879 and he did not have much time to complete the program that was to be presented by the Independent Order of Good Templars to the legislature. 874 In Topeka. Noble L. Prentiss and N. C.

While the Independent Order of Good Templars was the outstanding agency working for the cause of prohibition in Kansas, there were also many lesser organizations. One of these was a society known as the "Kansas State Union" organized on October 15, 1866, with its headquarters in Topeka. This group did very effective work in the cause of temperance, and in 1867 at its annual meeting held in the old Quincy Methodist Church, the first motion for a state amendment to control liquor was presented by the Rev. H. D. Fisher. Strange as it may seem the group voted it down as a piece of bad legislation. After this rather stormy session the members grew discontented, and the Union ceased to meet until 1879 when a new union was formed at Olathe with John P. St. John as one of the leaders. The object of this group was the advancement and promotion of the temperance cause in Kansas, and to secure, if possible, the adoption of a prohibition amendment to the state constitution. The members of the Union adopted a platform¹³ at their meeting held in Topeka in October 1879. The Kansas State

¹³ See Appendix XII for the platform of Temperance Union, adopted October 1, 1879.

¹⁶ Ibid., pp. 539-590.

Temperance Union is now the Kansas representative of the American Anti-Saloon League.¹⁴

Another society that aided in the fight against liquor was known as the "State Temperance League." It was organized August 20, 1874 in Topeka. Noble L. Prentis and N. C. McFarland were leaders in the League. This group had for one of its objectives, the formation of an independent prohibition party if the major parties refused to write prohibition into the party platforms. In 1874 they actually did try to place such a party in the field but failed to be able to find people that would accept the nomination for the offices. Their convention was held in Leavenworth September 10-11, 1874.¹⁵ The Temperance League was one of the groups favoring the instruction of youth against ardent spirits and light wines. In 1875 their yearly meeting was held in Manhattan and there the "Band of Hope", a children's educational study group, was formed.¹⁶ By 1877 most of the league members had gone into other temperance groups.

In 1879 the Woman's Christian Temperance Union came to Kansas. It was formed at a meeting held at Bismarck Grove, near Lawrence. Frances E. Willard, National founder, appointed Amanda M. Way of Pleasanton as temporary chairman. She was assisted by Mrs. M. B. Smith of Topeka and Drusilla

¹⁴"The Kansas State Temperance Union," Prohibition in Kansas, 1895-1901, pp. 88-89.

¹⁵D. W. Wilder, Annals of Kansas, 1541-1885, p. 651.

¹⁶Ibid., pp. 689-690.

Wilson, the Quaker preacher of Lawrence.¹⁷ The Woman's Christian Temperance Union was popular among the women. Most of the Kansas towns had unions. Their motto was, "For God, Home and Native Land."¹⁸ The Woman's Christian Temperance Union came into being just in time to organize for the campaign for the prohibition amendment. They were active in this work. Mrs. D. Wilson¹⁹ was said to have traveled over three thousand miles in the interest of the temperance cause.²⁰

Another powerful agency in the cause of prohibition was a group known as the "Blue Ribbon Society" organized by E. B. Reynolds of Indiana on May 1, 1878, at Lawrence. For a time it rivaled the Independent Order of Good Templars in importance. This group was looked upon with disapproval by the Good Templars who seemed to be afraid of the Blue Ribbon Society.²¹ The founder of this new group was Francis Murphy of Portland, Maine. The pledge was taken by several hundred Kansans. The pledge was printed upon a card and read as follows:

"With malice towards none, with charity for all", I, the undersigned, do pledge my word and honor, God helping me, to abstain from all intoxicating liquors as a beverage, and that I will, by all honorable means, encourage others to abstain.²²

¹⁷L. B. Smith, "The Woman's Christian Temperance Union", Prohibition in Kansas, 1895-1901, p. 87.

¹⁸Noble L. Prentis, A History of Kansas (Topeka: Caroline Prentis, 1909), p. 199.

¹⁹See Appendix XIII for Sketch of Life of Drusilla Wilson.

²⁰L. B. Smith, op. cit., p. 88.

²¹Clara Francis, loc. cit., 212.

²²D. W. Wilder, op. cit., p. 785.

The badge worn by the members had its origin in the Holy Bible²³ and consisted of a blue ribbon proudly worn. The Murphy or Blue Ribbon movement was slowly absorbed by the Independent Order of Good Templars and the Woman's Christian Temperance Union.

Nearly all of the Protestant churches were in favor of prohibition. The only churches not mentioned in the campaign were the Roman Catholics and German Lutherans. The Methodist church seemed to be very active in the movement. The Rev. J. E. Gilbert of Topeka was a leader. He organized the ministers of Topeka for an active campaign for the passage of the proposed liquor amendment.²⁴ The Congregationalists, Baptists, and Presbyterians all passed resolutions endorsing the prohibition movement and encouraging their ministers to help in the campaign.²⁵ A great deal of praise is due the religious groups for their help in Kansas during the campaign for passage of the proposed liquor amendment to the state constitution.

Much can be found in the old literature about the agencies favoring prohibition but when the opposition side is sought, little printed material can be found to enlighten the reader. The foes of prohibition joined their forces

²³ Holy Bible (King James Version) Numbers XV: 37, 38, 39.

²⁴ Clara Francis, loc. cit., 217.

²⁵ D. W. Wilder, op. cit., pp. 880, 881, 900.

in few societies. Only two could be found. One was known as Leavenworth Anti-Liquor Convention that met in the city of Topeka on January 30, 1872. There were 119 delegates present. They opposed any change in the liquor law of 1868, and pledged themselves to protect the personal liberty of all Kansans regardless of creed or race. They also made it known that they were heavy tax payers and among the wealthiest group of the state. They held only one meeting.²⁶

The most popular and powerful anti-Prohibition association was known as the People's Grand Protective Union organized on January 21, 1880 in Topeka. There were 125 delegates representing all parts of the state. They too, let it be known that money was nothing to them when their interests were at stake. They warned office seekers that they must be favorable to them or else their political ambition would never be fulfilled. The chief plank in the People's Grand Protective Union was a cry that a prohibition law could never be enforced in Kansas even if it were to pass a vote of the legislature. They furthermore pointed out that the liquor business was a paying proposition to the state and that much damage would result if the Law of 1868 were changed. This group also bought out newspapers and wrote widely of the disastrous results in the form of unemployment in the state if the breweries were

²⁶

Clara Francis, loc. cit., 208.

closed. Neither time, money, nor talent was spared to spread anti-prohibition propaganda over the state.²⁷

As time drew near for the election day in November, 1880 to arrive, the anti-prohibitionists and the prohibition forces were drawn in tight battle formation. Both sides were confident of victory at the coming election.

²⁷ Clara Francis, loc. cit., 223, 224.

leader, Francis Murphy came to Kansas. He was scheduled to lecture in Topeka on the question of prohibition. The dyes were anxious to hear him and the wets through idle curiosity also decided to attend the meeting and see what he would say about them. Francis Murphy was rated as a powerful speaker and had a power of persuasion about him that few public speakers possess. The members of his audience who thought as he did on the liquor issue left the hall with a full determination to make a supreme effort to see the proposed amendment written into the state constitution. Those opposed to prohibition came forth from the lecture with a certain fear in their hearts. Francis Murphy was often compared to the great apostle Paul in his ability to impress his listeners.¹ During the months of April and May the temperance followers were beginning to make plans for the coming campaign. Murphy had succeeded in arousing them to action. Committees were

¹ Clara Francis, loc. cit., 220.

-45-

CHAPTER IV

PASSAGE OF THE PROHIBITION AMENDMENT

After the adjournment of the State Legislature in February 1879 the activities of the temperance people seemed to have declined until almost nothing was heard of the liquor issue; but on March 11, 1879, the great dry leader, Francis Murphy came to Kansas. He was scheduled to lecture in Topeka on the question of prohibition. The dries were anxious to hear him and the wets through idle curiosity also decided to attend the meeting and see what he would say about them. Francis Murphy was rated as a powerful speaker and had a power of persuasion about him that few public speakers possess. The members of his audience who thought as he did on the liquor issue left the hall with a full determination to make a supreme effort to see the proposed amendment written into the state constitution. Those opposed to prohibition came forth from the lecture with a certain fear in their hearts. Francis Murphy was often compared to the great apostle Paul in his ability to impress his listeners.¹ During the months of April and May the temperance followers were beginning to make plans for the coming campaign. Murphy had succeeded in arousing them to action. Committees were

¹Clara Francis, loc. cit., 220.

²Ibid.

³Ibid.

organized and the Temperance Palladium,² the official organ of the State Temperance Union, and the Banner, the spokesman for the Independent Order of Good Templars, both carried articles telling of the plans of the drys for the coming election. The ministers of the various Protestant churches were holding meetings to inform their congregations of the temperance activities.

The opposition party was also active. The People's Grand Protective Union of Kansas was gathering its forces together and building up a strong organization. They started a campaign chest that totaled \$100,000.³ The executive committee was composed of T. W. Cochran and C. R. Jones, a wholesale liquor dealer, both of Topeka, and John Walruff of Lawrence, one of the biggest brewers of the state and one of the last to bow to prohibition.⁴ Ex-Governor Charles Robinson was an outstanding speaker for this group of liquor advocates. All through the campaign he argued that the proposed amendment was a great mistake and that it should never be written into the constitution. He furthermore said that a state could not constitutionally provide for sale of liquor to one man and prevent its sale to another. Robinson emphatically declared that if the amendment were passed it would make every man in the state a manufacturer of illegal liquor and

²"It Was a Thrilling Campaign Conducted with Religious Fervor That Made Kansas Dry in 1880," Kansas City Star, September 21, 1930. Hereafter cited as "Thrilling Campaign That Made Kansas Dry in 1880."

³Ibid. "Thrilling Campaign That Made Kansas Dry in 1880,"

⁴Ibid. Kansas City Star, Sept. 21, 1930.

that there was nothing in the amendment to stop it.⁵ The anti-prohibition newspapers accused the temperance workers of using unfair means to get the bill passed in the Legislature. They also accused them of getting too much assistance from the women. The women organized praying bands and often held prayer meetings for the anti-temperance men of Topeka. These gentlemen never knew what minute a woman would drop by their side and offer up a prayer for their welfare. It grew most embarrassing to the men that were against prohibition and they often voted for the issue rather than to have prayers said for them in some public place.⁶ The politicians were also matching their craftiness and skill against the so-called long-haired men and short-haired women of Kansas.⁷ Both sides seemed to be waiting for the other to start the campaign off in a formal manner. The drys were first to fire the opening shot for on August 21, 1879 the first of a long series of temperance programs started. The famous Bismark camp meeting opened for a twelve days session. Bismark, now a cow pasture, was located near Lawrence and was a pleasure resort of early Kansans.⁸ The camp meeting had been anxiously awaited by people from over the state. Some of the famous dry leaders of the United States were to lecture. The famous dry

⁵Ibid.

⁶Milton Tabor, "Kansas Reaches the 50 Mark in Prohibition," Topeka Capital, April 26, 1931.

⁷Nicknames given to the prohibitionists of Kansas.

⁸"Thrilling Campaign That Made Kansas Dry in 1880," Kansas City Star, Sept. 21, 1930.

prophet, Francis Murphy was to preside. He was to be assisted by George W. Bain, the firebrand of Kentucky, Mrs. J. Ellen Foster, Iowa's most famous temperance daughter, Amanda Way, the Quaker preacher, and last but not least John P. St. John, Governor of Kansas. The Governor was to make the address of welcome to the distinguished visitors. He was escorted to the big tent auditorium by the Capitol Guard in full regalia, the Wyandotte, the Craig and Ottawa Rifles, the Lawrence Guards and five brass bands.⁹ It is no wonder that 8,000 persons gathered at the grove on the opening day. The temperance people had done everything in their power to make this meeting a success. They knew that the success of this gathering would help out their cause in the coming election. Music made up a part of the program. The Reverend Robert Brown of the Leavenworth Conservatory of Music was in charge of this and he was assisted by Professor A. B. Brown of Springfield, Missouri.¹⁰ The song that opened the campaign against old John Barleycorn was a familiar old hymn, "I Need Thee Every Hour." After the Governor's address of welcome the "Battle Hymn of the Prohibitionist" was sung.¹¹ The great treat of the day was next, the lecture by Francis Murphy. He held his audience spellbound and when the closing hymn "Where Is My Wandering Boy To-Night," was announced

⁹ Ibid.

¹⁰ Clara Francis, loc. cit., 221, 222.

¹¹ See Appendix XIV for Battle Hymn of the Prohibitionist.

women sobbed and the men were tremendously moved.¹² The great day of the entire twelve day session was on August 26, 1879 when a crowd of over 25,000 gathered on the grounds. The crowd was so dense that they had to take turns at listening to the program being given in the big tent.¹³ The events of the camp meeting were carried to the outside world by the leading newspapers of the state. Some papers kept special reporters on the grounds who attended all sessions, while others less fair to the dry cause, watched from afar and headed their articles, "Whaling Whisky" and told little of the events of the daily sessions. The Topeka Capital did not maintain offices on the grounds, yet they made sarcastic remarks about the camp meeting.¹⁴ The Topeka Commonwealth, an anti-prohibition paper, commented both favorably and unfavorably upon the prohibition question, and defended Governor St. John's address of welcome.¹⁵ The Bismark camp meeting was considered a success by both friends and foes of the temperance question. It did much good for the people who were undecided. These people almost unconsciously made up their minds to cast their lots with the drys, for they admired the loyalty of the temperance group. The leaders of the prohibition forces were more determined than ever to see

¹²"Thrilling Campaign That Made Kansas Dry in 1880," Kansas City Star, Sept. 21, 1930.

¹³Clara Francis, loc. cit., 221.

¹⁴Topeka Capital, Aug. 22, 1879.

¹⁵Topeka Commonwealth, Aug. 23, 1879.

their forces win at the election now about one year off. The anti-prohibition people were just as firm in the belief that the proposed amendment would ruin them if it were written into the constitution.

In the fall of 1879, soon after the Bismark meeting lecturers and workers for the temperance people were sent out to all parts of the state. All dry organizations helped in this work. No community was too far distant or too small for them to enter. It was a labor of love for these persons for the temperance people, as a group, were not able to have a campaign chest¹⁶ like the People's Grand Protective Union of Kansas had given to them. Mrs. Drusilla Wilson accompanied by her husband, Jonathan Wilson, gave over three hundred lectures in various parts of the state in favor of the amendment.¹⁷ James A. Troutman laid aside his law practice to assume the editorial management of the Kansas Temperance Palladium during the campaign.¹⁸ The Reverence J. E. Gilbert of Topeka was one of the strongest organizers for the temperance people during the campaign.¹⁹ James Grimes of Parsons,²⁰ Mr. and Mrs.

¹⁶ See Page 45 of this Thesis, Footnote 3.

¹⁷ Eva M. Murphy, "Woman's Christian Temperance Union," Transactions of the Kansas State Historical Society, X, 40-41.

¹⁸ Frank W. Blackmar, Kansas, A Cyclopedia of State History, Embracing Events, Institutions, Industries, Counties, Cities, Towns, Prominent Persons, Supplementary Volume of Personal History (Chicago: Standard Publishing Co., 1912) III, Part I, 718.

¹⁹ Clara Francis, loc. cit., 219.

²⁰ Andreas, "Labette County," History of State of Kansas, 1460.

Stephen L. North of Lawrence²¹ and many others left their various business enterprises and spent their time campaigning for the temperance cause.

Many slogans were used by both sides in lining up the voters for either one side or the other. The temperance lecturers evidently did not admire John Walruff of Lawrence, an anti-prohibitionist, for the term "Are You for God or Walruff," was commonly used.²² Another very popular slogan was, "Vote as you Pray" and the term "Weak Kneed Christians" was used to whip indifferent Christians into line for the prohibition cause.²³ The temperance people referred to those on the brewers side as "Gin Slingers" and "Whiskyites."²⁴ The opposition party classed St. John as a "meddlesome Governor" and the temperance advocates were referred to as the "St. Johnites."²⁵ The proposed amendment was labeled as "bogus" by the whisky element of the state.²⁶ The "Whiskyites" told every conceivable story to try to destroy the confidence of the people in the merits of the amendment but they failed to check the temperance workers in their efforts to win votes. Opposition meant nothing to them and even the

²¹Andreas, "Leavenworth County," History of State of Kansas, 451.

²²"A Thrilling Campaign That Made Kansas Dry in 1880," Kansas City Star, Sept. 21, 1930.

²³Ibid.

²⁴Clara Francis, loc. cit., 223.

²⁵Ibid., 226.

²⁶Ibid., 223.

³⁰Brief Sketch of the Lives of Jonathan and Drucilla Wilson with Introduction by Allen Joy, p. 25.

Republicans' refusal to endorse the amendment at their convention on September 3, 1879 failed to dampen the spirits of the prohibitionists.²⁷ They just cheerfully sang their new prohibition song written to the tune of "In the Sweet By and By"²⁸ and went their way leaving the people to hold fast to their belief. Shawnee, Douglas, Sumner, Lynn, Osage, Butler,

The election day was drawing closer. The two temperance magazines the Palladium and the Banner wrote their final instructions to the people. The edition told the voters to disregard party lines and to vote only for those that were true to the temperance cause.²⁹ On the night before the election the last lectures were given, the last campaign songs were sung and the fight was over. November 11, 1880 was the fatal day. Both sides were confident of victory. The Woman's Christian Temperance Union in many communities served lunch to the voters. Mrs. Drusilla Wilson helped serve at the election in Lawrence which was a peaceful one.³⁰ Because of the rather primitive means of communication at that time the returns were slow in coming in. First the anti-prohibitionists were ahead - then the prohibitionists, but as the rural vote came in the Drys forged ahead, till they were certain of victory. The final vote was 92,302 for the amendment and 84,304 against. The amendment had won by a majority

²⁷ Clara Francis, loc. cit., 226.

²⁸ See Appendix XIV for the new prohibition song, sung to the tune of "In the Sweet By and By."

²⁹ Clara Francis, loc. cit., 226.

³⁰ Brief Sketch of the Lives of Jonathan and Drusilla Wilson with Introduction by Allen Joy, p. 55.

of 7,998 votes.³¹ The banner city was Winfield and the banner county was Cowley. Each had given the largest number of votes in proportion to the population of any city or county in the state. The vote by counties is interesting to observe.³² The counties casting the heaviest vote in favor of the Amendment were Cowley, Shawnee, Douglas, Sumner, Lynn, Osage, Butler, McPherson and Labette. All these counties, with the exception of Shawnee, were classed as rural communities. The counties casting the heaviest vote against the Amendment were all in the northern and eastern part of the state with the exception of Labette. Leavenworth, Atchison, Shawnee, Wyandotte, Doniphan and Labette counties registered the highest number of votes against the Amendment. These counties, with the exception of Labette, contained the larger cities and towns of the state. It was a temperance victory by a rather close margin and now it was up to the Legislature to confirm the amendment³³ and to make plans to enforce it.

The final issue of the Temperance Banner on November 11, 1880 carried these closing lines as a memorial to the temperance cause: "We fold our tent in peace, camp on the field, rest on our arms, sleep in security, to be awakened at the first sound of Gabriel's trumpet."³⁴

³¹D. W. Wilder, Annals of Kansas 1541-1885, pp. 931-932.

³²See Appendix XV for vote by counties.

³³See Appendix X for terms of Liquor Amendment.

³⁴Clara Francis, loc. cit., 227.

⁴See Appendix XVII for Prohibition Law of 1881.

-54-

CHAPTER V

PASSAGE OF THE LIQUOR ENFORCEMENT LAW OF 1881

John P. St. John was re-elected governor of Kansas at the election held in November 1880. The citizens of the state who had so loyally defended the cause of prohibition to the end that the amendment had been passed by a safe majority now felt that their work had been completed, and that they could rest in peace from the curse of the open saloon. The men that had been elected to the legislature, however, did not feel so secure. They knew full well that a great task awaited them when the legislature convened in January at Topeka. Governor St. John in his message to the legislature urged the legislators to pass measures that would enforce the amendment.¹ The governor placed the strongest friends of prohibition on his committee of Temperance. Alfred W. Benson² of Ottawa was chairman. His helpers were Broderick, of Jackson County, Breyfoyle, of Johnson County, Thatcher, of Douglas County and Story, of Pawnee County.³ There were several bills presented on the prohibitory liquor law but the one that was passed by the Senate on February 11, by the House on February 16 and approved on February 19 was one of twenty-four sections.⁴

¹See Appendix XV for Governor St. John's message to the Legislature of 1881.

²Thomas A. Lee, "Alfred W. Benson," Collections of the Kansas Historical Society, XIV, 4-22.

³Andreas, "Prohibition in Kansas," History of the State of Kansas, p. 289.

⁴See Appendix XVII for Prohibition Law of 1881.

This bill was passed without any amendments by a vote of one hundred yeas and twenty-three nays in the House and thirty-two yeas and seven nays in the Senate. The majority of the opposition vote came from Leavenworth and Atchison counties.⁵ At no time during the session of the legislature did St. John fear that the vote would be negative for the enforcement of the amendment because a large majority of the House and Senate were temperance believers,⁶ however Hon. George W. Glick of Atchison on February 18, 1881 gave a speech to the House in which he made a formal protest against the proposed Prohibition Law.⁷ Glick protested against this law because of its unfairness to the citizens of Kansas, because it violated the 14th amendment to the constitution of the United States and because it could not be enforced.⁸ Glick's protest seems to be the only effort to defeat the measure in the legislature.

The citizens of Kansas, for the most part, were in favor of a law controlling the sale and manufacture of intoxicating liquors. The German element of the state objected and declared that Kansas would never receive any immigrants if this law were enforced. The State Medical Society endorsed the bill and the State Pharmaceutical

⁵Andreas, op. cit., p. 290.

⁶"Kansas State Temperance Union Executive Meeting," The Topeka Commonwealth, January 6, 1881.

⁷See Appendix XVIII for Protest of Hon. George W. Glick against Prohibition Law of 1881.

⁸Andreas, op. cit., p.290.

Association advised the druggists to make no applications for licenses until a test case was held. This case was held in the Supreme Court of Judge Brewer. He handed down the decision that probate judges could issue licenses and also that the law was not unconstitutional because it restricted the sale of liquor by druggists.

Most of the saloon keepers had closed their doors after April 30, but those that stubbornly held to their liquor shops were prosecuted after the decision by Judge Brewer that the sale of liquor could be prohibited except for culinary, toilet or medical purposes. Governor St. John offered a reward for the prosecution of liquor violators.⁹

The Prohibition Law went into effect May 1, 1881 and the Executive Committee of the State Temperance Union appealed to the people of Kansas to help enforce the law and make their state an example to the world in methods dealing with violators of the prohibition law. The leaders of the movement had won a great victory - hard fought and fearless. It was now left to the people of Kansas to elect officers who would see that these laws were enforced.

⁹Clara H. Hazelrigg, History of Kansas (Topeka: Crane and Company, 1895), p. 200.

APPENDIX I

THE COURT MARTIAL OF JOHN COLLINS AND HUGH HALL OF THE LEWIS AND CLARK EXPEDITION, JUNE 29, 1804¹

Ordered - "A Court Martial will set this day at 11 O'clock, to consist of five members, for the trial of John Collins and Hugh Hall confined on Charges exhibited against them by Sergeant Floyd, agreeable to the Articles of War.

Detail for the Court

Serg. Nat. Pryor
John Colter
John Newmon
Pat Cass
J. B. Thompson

APPENDICES

John Potts to act as Judge Advocate.
The Court convened agreeable to order and proceeded to the trial of the Prisoners.

John Collins charged "with getting drunk on his post this morning out of whiskey put under his charge as a Sentinel, and for Suffering Hugh Hall to draw Whiskey out of the Said Barrel intended for the party." To this Charge the prisoner plead not guilty. The Court after mature deliberation on the evidence adduced are of opinion that the prisoner is Guilty of the charges exhibited against him, and do therefore sentence him to receive one hundred Lashes on his bare Back.

Hugh Hall was brought before the Court charged with taking whiskey out of a Keg this morning which whiskey was stored on the Bank (and under Charge of the Guard) contrary to all order, rule or regulation."

To this charge the prisoner "Pleaded Guilty." The Court find the prisoner Guilty and Sentence him to receive fifty Lashes on his bare Back.

The Commanding officers approve of the Sentence of the Court and orders that the Punishment take place at half past three this evening, at which time the party will Parade for inspection.

¹Reuben Gold Thwaites, Original Journals of the Lewis and Clark Expedition, 1804-1805, I, 61, 62.

APPENDIX I

THE COURT MARTIAL OF JOHN COLLINS AND HUGH HALL
OF THE LEWIS AND CLARK EXPEDITION, JUNE 29, 1804¹

Ordered - "A Court Martiall will set this day at 11 O'clock, to consist of five members, for the trial of John Collins and Hugh Hall confined on Charges exhibited against them by Sergeant Floyd, agreeable to the Articles of War.

Detail for the Court

Serg. Nat. Pryor
John Colter
John Newmon
Pat Gass
J. B. Thompson

John Potts to act as Judge Advocate.

The Court convened agreeable to order and proceeded to the trial of the Prisoners.

John Collins charged "with getting drunk on his post this morning out of whiskey put under his charge as a Sentinel, and for Suffering Hugh Hall to draw Whiskey out of the Said Barrel intended for the party." To this Charge the prisoner plead not guilty. The Court after mature deliberation on the evidence adduced are of opinion that the prisoner is Guilty of the charges exhibited against him, and do therefore sentence him to receive one hundred Lashes on his bear Back.

Hugh Hall was brought before the Court charged with taking whiskey out of a Keg this morning which whiskey was stored on the Bank (and under Charge of the Guard) contrary to all order, rule or regulation."

To this charge the prisoner "Pleaded Guilty." The Court find the prisoner Guilty and Sentence him to receive fifty Lashes on his bear Back.

The Commanding officers approve of the Sentence of the Court and orders that the Punishment take place at half past three this evening, at which time the party will Parrade for inspection.

¹Reuben Gold Thwaites, Original Journals of the Lewis and Clark Expedition, 1804-1806, I, 61, 62.

²Oliver Francis, "The Coming of Prohibition to Kansas," Collections of the Kansas Historical Society, IV, 193-195.

APPENDIX II

DRAMSHOP LAW OF 1855¹

AN ACT to restrain dramshops and taverns, and to regulate the sale of intoxicating liquors.

BE IT ENACTED BY THE GOVERNOR AND LEGISLATIVE ASSEMBLY OF THE TERRITORY OF KANSAS, AS FOLLOWS:

Section 1. A special election is hereby ordered to be held on the first Monday of October, in the year of 1855, and on the first Monday of October every two years thereafter, in each municipal township in every county in the territory, and in each incorporated city or town in the territory, to take the vote of the people upon the question whether dramshops and tavern licenses shall be issued in the said township, incorporated city or town, for the next two years thereafter.

Sec. 2. At said election polls shall be opened at the usual place of voting in each township, incorporated city, or town, which shall be headed as follows, respectively: "In favor of dramshop," "Against dramshop;" and if the voting shall be by ballot, ballots shall be inscribed as above, respectively.

Sec. 3. At such election all the qualified voters of the township, or of any incorporated city or town, shall be allowed to vote in such township, or incorporated city or town, and not elsewhere.

Sec. 4. Upon election being held, the tribunal transacting county business for the several counties in the territory shall examine, ascertain and adjudge in what township, incorporated city or town, a majority of all the qualified voters of said township, incorporated city or town, have voted affirmatively in favor of dramshops in said township, incorporated city or town, and thereupon, the tribunal transacting county business in the respective counties in the territory may, during the next ensuing two years, grant license to dramshops, tavern keepers and grocers, to such persons and under such restrictions as are hereinafter designated and provided.

Sec. 5. For and during the two years next ensuing the said election, no dramshop or tavern license shall be granted to any person within any township, incorporated city, or town, unless a majority of the votes polled at said election shall declare in favor of granting said license.

Sec. 6. Before a dramshop license, tavern license, or grocer license shall be granted to any person applying for the same, such person shall present to the tribunal transacting county business a petition or recommendation signed by

¹Clara Francis, "The Coming of Prohibition to Kansas," Collections of the Kansas Historical Society, XV, 193-195.

a majority of the householders of the township; if in the county in which such dramshop, tavern or grocery is to be kept, or if the same is to be kept in an incorporated city or town, a petition signed by a majority of the householders of the block or square in which said dramshop or tavern or grocery is to be kept, recommending such person as a fit person to keep the same, and requesting that a license be granted to him for such purpose.

Sec. 7. The city authorities of an incorporated town in this territory, authorized by its charter to grant dramshop or tavern license or grocers' license, shall only grant such license to persons who have previously secure a similar license from the tribunal transacting county business for the county in which said city or town is situated.

Sec. 8. Upon every license granted to a dramshop keeper and upon any license granted to a tavern keeper or grocer, there shall be levied a tax of not less than ten dollars nor more than five hundred dollars, for county purposes, for period of twelve months, the amount of tax to be determined by the tribunal granting the license.

Sec. 9. If any person who, without taking out and having a license as grocer, dramshop keeper or tavern keeper, shall, directly, or indirectly, sell any spirituous, vinous, or fermented or other intoxicating liquors, shall be fined in any sum not less than one hundred dollars for each offense; and any person convicted of violating this provision shall, for every second or subsequent offense, be fined in a sum not less than the above named, and shall in addition thereto be imprisoned in the county jail not less than five nor more than thirty days.

Sec. 10. Any person, having license as aforesaid, who shall sell any intoxicating liquor to any slave without the consent of the master, owner or overseer of such slave, shall be deemed guilty of a misdemeanor, and shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, and imprisonment in the county jail not less than ten nor more than thirty days, and shall, upon conviction, forfeit his license; and no license as grocer, dramshop keeper or tavern keeper shall again be granted to said person during the two years ensuing the said conviction.

Sec. 11. Any person who shall keep open any ale, beer, or porter house, grocery, dramshop, or tippling house, or shall sell or retail any fermented, distilled or other intoxicating liquors, on the first day of the week, commonly called Sunday, shall on conviction thereof, be adjudged guilty of misdemeanor, and fined in a sum not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned in the county jail not less than ten days nor more than thirty days; if such person is licensed as grocer, dramshop keeper, or tavern keeper, he shall, in addition to the above provisions, forfeit said license, and shall not again be allowed to obtain a license under the law for a period of two years next after conviction.

Sec. 12. Before any person shall be licensed as a dramshop keeper, or grocer, or tavern keeper, under the provisions of this act, he shall execute to the tribunal transacting county business, in favor of the county where he appeals for a license, a bond in the sum of two thousand dollars, with at least two securities, to be approved by the court, conditioned that he will not keep a disorderly house; that he will not sell, or permit to be sold, any intoxicating liquors to any slave without the consent of the master, owner or overseer of such slave; that he will not keep his dramshop, tavern or grocery open on Sundays; nor will he sell, allow to be sold, thereat, on Sunday, directly, or indirectly, any intoxicating liquor; and upon said person being convicted of any of the offenses enumerated therein, suit may be brought against said principal and securities, to recover the amount of the fine or fines adjudged against him on said conviction, in any court of competent jurisdiction.

This act to take effect and be in force from and after its passage.

all classes of society from the use of intoxicating drinks as a beverage. Ever since the first manufacture it has been the aim of legislators to pass restraining laws. To prevent its use each year in the older states of the Union new enactments have been found necessary, until the statute books have become literally loaded down with provisions on this subject.

It was not until within a few years that the true method was devised for its eradication, and then those imaginary rights long established and entrenched behind the bulwark of law, and even of state constitutions, were found in the way of an effectual remedy. Not so in Kansas; here everything is new, and those privileges acquired by law and long-established customs do not exist. No one can point to the precedent of several generations to sustain him in doing that which he frankly admits to be a wrong upon society. Here in Kansas we are laying the foundation of a new society, and you, as the first law-making power recognized by the people, should examine with the greatest circumspection the evils existing in older states, and by wise and judicious enactments protect the moral and social interests of the community. You will not attempt to pass by or neglect the enacting of stringent laws for the sale of lottery tickets, the selling of unwholesome food, the adulterating of flour, etc.

How then can you fail to give attention to a subject which impoverishes a whole nation, brings wretchedness and misery in its train, fills the land with mourning, and sends the widow's wail and orphan's sob to heaven for relief.

¹ Clara Francis, loc. cit., 195-196.

APPENDIX III

Into the plastic material which you have the power to mold into form and clothe with lineaments and breath, and in view of the g MEMORIAL OF TOPEKA LADIES¹ us, the females of the state who are unable by persuasion and kindness to influence those we love in the channel which leads to tam-

To the Honourable the Senate and the House of Representatives of the State of Kansas: If the destroyer could be removed from their sight and reach they would abstain from

its The undersigned, your memorialists, citizens of Kansas, and the wives and daughters of your constituents beg leave respectfully to present to your honourable body that in the opinion of your memorialists the public interests require that suitable laws be immediately passed to prevent the manufacture and importation for sale or use as a beverage within the state of Kansas of any distilled or malt liquors.

It is not necessary for us, in view of your own observations and the united testimony of all experience, to enter into a minute discussion of the evils resulting to all classes of society from the use of intoxicating drinks as a beverage. Ever since the first manufacture it has been the aim of legislators to pass restraining laws. To prevent its use each year in the older states of the Union new enactments have been found necessary, until the statute books have become literally loaded down with provisions on this subject.

It was not until within a few years that the true method was devised for its eradication, and then those imaginary rights long established and entrenched behind the bulwark of law, and even of state constitutions, were found in the way of an effectual remedy. Not so in Kansas; here everything is new, and those privileges acquired by law and long-established customs do not exist. No one can point to the precedent of several generations to sustain him in doing that which he frankly admits to be a wrong upon society. Here in Kansas we are laying the foundation of a new society, and you, as the first law-making power recognized by the people, should examine with the greatest circumspection the evils existing in older states, and by wise and judicious enactments protect the moral and social interests of the community. You will not attempt to pass by or neglect the enacting of stringent laws for the sale of lottery tickets, the selling of unwholesome food, the adulterating of flour, etc.

How then can you fail to give attention to a subject which impoverishes a whole nation, brings wretchedness and misery in its train, fills the land with mourning, and sends the widow's wail and orphan's sob to heaven for relief.

¹Clara Francis, loc. cit., 195-196.

APPENDIX IV

Into the plastic material which you have the power to mold into form and clothe with lineaments and breath, and in view of the great suffering entailed on us, the females of the state who are unable by persuasion and kindness to influence those we love in the channel which leads to temperance, prosperity and happiness, and in view of their oft-repeated declarations that if the destroyer could be removed from their sight and reach they would abstain from its use, we therefore urgently but respectfully pray you to take our memorial into consideration and enact such laws in consonance with its spirit which your wisdom may suggest.

or grocery license shall be granted to any person applying for the same, such person, if applying for a township license, shall be granted the same, if applying for a county business, a license shall be granted to any person by a majority of the householders of the township or the county in which such dramshop, tavern or grocery is to be kept, or, if the same is to be kept in an incorporated city or town, then to the city council thereof, a petition, signed by a majority of the householders, of the ward in which said dramshop, or tavern, or grocery is to be kept, recommending such person a fit person to keep the same, and requesting that a license be granted to him for such purpose.

(Signed) Mrs. L. M. Moore and 55 Others
The Ladies of Topeka, March 4, 1856.

Sec. 2. That upon every license granted to a dramshop keeper, and upon every license granted to a tavern keeper or grocery, there shall be levied a tax of not less than fifty dollars nor more than five hundred dollars, for every period of twelve months, the amount of tax to be determined by the tribunal granting the license. The said tax to be paid into the treasury of the county or city granting such license. And it shall be the duty of the board of county supervisors to appropriate all moneys received for licenses under this act for the benefit of the township in which such license was granted.

Sec. 3. That any person, without taking out and having a license as grocer, dramshop keeper, or tavern keeper, who shall, directly or indirectly, sell any spirituous, vinous or fermented, or other intoxicating liquors, shall be fined in any sum not more than one hundred dollars for each offense, and any person convicted of violating these provisions shall, for every second or subsequent offense, be fined a sum not more than the above named, or may be indicted for a misdemeanor, and fined not less than five hundred dollars, and imprisonment in the county jail not more than six months.

Clara Francis, loc. cit., 197-199.

APPENDIX IV

LIQUOR LAW OF 1859¹

An ACT to restrain dramshops and taverns, and to regulate the sale of intoxicating liquors.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Section 1. That, before a dramshop license, tavern license or grocery license shall be granted to any person applying for the same, such person, if applying for a township license, shall present to the tribunal transacting county business, a petition of recommendation, signed by a majority of the householders of the township or the county in which such dramshop, tavern or grocery is to be kept, or, if the same is to be kept in an incorporated city or town, then to the city council thereof, a petition, signed by a majority of the householders, of the ward in which said dramshop, or tavern, or grocery is to be kept, recommending such person a fit person to keep the same, and requesting that a license be granted to him for such purpose.

Sec. 2. That upon every license granted to a dramshop keeper, and upon every license granted to a tavern keeper or grocery, there shall be levied a tax of not less than fifty dollars nor more than five hundred dollars, for every period of twelve months, the amount of tax to be determined by the tribunal granting the license. The said tax to be paid into the treasury of the county or city granting such license. And it shall be the duty of the board of county supervisors to appropriate all moneys received for license under this act for the benefit of the township in which such license was granted.

Sec. 3. That any person, without taking out and having a license as grocer, dramshop keeper, or tavern keeper, who shall, directly or indirectly, sell any spirituous, vinous or fermented, or other intoxicating liquors, shall be fined in any sum not more than one hundred dollars for each offense, and any person convicted of violating these provisions shall, for every second or subsequent offense, be fined a sum not more than the above named, or may be indicted for a misdemeanor, and fined not less than five hundred dollars, and imprisonment in the county jail not more than six months.

¹ Clara Francis, loc. cit., 197-199.

Sec. 4. That any person who shall keep open any porter ale, or beer house, grocery, dramshop or tippling house, or shall sell or retail any fermented, distilled or intoxicating liquors on the first day of the week, commonly called Sunday, the fourth of July, or upon election day, shall, on conviction thereof be adjudged guilty of a misdemeanor, and fined a sum not less than twenty-five dollars nor more than one hundred dollars, and be imprisoned in the county jail not less than ten nor more than thirty days. If such person is licensed as a grocer, dramshop keeper, or tavern keeper, he shall, in addition to the above provisions, forfeit his license, and shall not again be allowed to obtain a license under the law for the period of two years next after conviction.

Sec. 5. That, before any person shall be licensed as a dramshop keeper, or grocer, or tavern keeper, under the provisions of this act, he shall execute, to the tribunal granting such license, a bond, in the sum of two thousand dollars, with at least two securities, to be approved by said tribunal, conditioned that he will not keep a disorderly house; that he will not sell or permit to be sold any intoxicating liquors to any minor without the consent of the guardian of such minor; that he will not keep his dramshop, tavern or grocery open on Sundays, fourth of July, or any election day, nor will he sell or allow to be sold thereat, on Sunday, fourth of July, or any election day, directly or indirectly, any intoxicating liquors; and, upon said person being convicted of any of the offenses enumerated therein a suit may be brought against said principal and securities, to recover the amount of the fine or fines adjudged against him on said conviction, in any court of competent jurisdiction.

Sec. 6. That it shall be unlawful for any person or persons, by agent or otherwise, to sell intoxicating liquors to persons intoxicated or who are in the habit of getting intoxicated, or any married man, against the known wishes of his wife.

Sec. 7. That all places where intoxicating liquors are sold, in violation of this act, shall be taken, held and declared to be common nuisances, and all rooms, taverns, eating houses, bazaars, restaurants, groceries, coffee houses, cellars or other places of public resort, where intoxicating liquors are sold in violation of this act, shall be shut up and abated as public nuisances.

Sec. 8. That it shall be unlawful for any person to get intoxicated, and every person found in a state of intoxication shall, upon conviction thereof before any justice of the peace, be fined the sum of five dollars. persons to whom intoxicating liquors shall be sold, in violation of this act, shall be competent witnesses, to prove such fact or any other tending thereto.

Sec. 9. That every person who shall, by the sale of intoxicating liquors, cause the intoxication of any other person, such person or persons shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and one dollar per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication, which sum may be recovered by a civil action before any court having jurisdiction.

Sec. 10. That every wife, child, parent, guardian, of employer, or other person, who shall be injured in person or property or means of support, by any intoxicated person or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, guardian, employer or other person shall have a right of action in his or her own hand against any person who shall be selling intoxicating liquors, have caused the intoxication of such person for all damages actually sustained, as well as exemplary damages; and a married woman shall have right to bring suits, prosecute and control the same and the amount recovered, the same as if a feme sole, and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parents, guardian or next friend, as the court shall direct, and all suits for damages, under this act, shall be by civil action in any of the courts of this territory having jurisdiction thereof.

Sec. 11. That the giving away of intoxicating liquors or other shifts or devices, to evade the provisions of this act, shall be deemed and held to be an unlawful selling within the provisions of this act.

Sec. 12. That for all fines and costs assessed against any person or persons for any violation of this act, the real estate and personal property of such person or persons of every kind, without exemption shall be liable for the payment thereof, and such fines and costs shall be a lien upon such real estate until paid; and, in case any persons shall rent or lease any building or premises, and knowingly suffer the same to be used and occupied for the sale of intoxicating liquors, contrary to this act, such building and premises so leased and occupied shall be held liable for and may be sold to pay all fines and costs assessed against the person occupying such building or premises for any violation of this act.

Sec. 13. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquors sold, but shall be necessary to describe the place where sold, and for any violation of the fourth or fifth sections, it shall not be necessary to state the names of any person to whom sold, and, in all cases, the person or persons to whom intoxicating liquors shall be sold, in violation of this act, shall be competent witnesses, to prove such fact or any other tending thereto.

Sec. 14. Justices of the peace shall have jurisdiction and take cognizance of offences under this act, and shall have authority to impose fines not to exceed one hundred dollars, or to bind over for appearance at the proper court, under the act concerning criminal procedure.

Sec. 15. All corporated cities, containing one thousand and inhabitants or more, shall be entirely exempt from the operations of this act, and such cities shall have full power to regulate licenses for all purposes and dispose of the proceeds thereof.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved February 11, 1859.

Any person applying for a township license, shall present to the tribunal transacting county business a petition or recommendation, signed by a majority of the residents of the township, of twenty-one years of age and over, both male and female, in which such dramshop, tavern, or grocery is to be kept; or if the same is to be kept in any incorporated city or town, then to the city council thereof, a petition signed by a majority of the residents of the ward, of twenty-one years of age and over, both male and female, in which said dramshop, tavern, or grocery is to be kept, recommending such person as a fit person to keep the same, and requesting that a license be granted to him for such purpose: Provided, That the corporate authorities of cities of the first and second class may, by ordinance, dispense with the petition mentioned in this section.

Sec. 2. Upon every license granted to a dramshop keeper, and upon every license granted to a tavern keeper or grocery keeper, there shall be levied a tax of not less than one hundred dollars nor more than five hundred dollars for every period of twelve months; the amount of the tax to be determined by the tribunal granting the license; the said tax to be paid into the treasury of the county or city granting such license. And it shall be the duty of the board of county commissioners to appropriate all moneys received by such tribunal for license under this act, for the benefit of the township in which such license was granted; and all incorporated cities shall appropriate the moneys received by such cities for license under this act, as the council thereof may provide.

Sec. 3. Any person, without taking out and having a license as grocer, dramshop keeper or tavern keeper, who shall, directly, or indirectly, sell any spirituous, vinous or fermented or other intoxicating liquors, shall be fined in any sum not more than one hundred dollars for each offense; and any person convicted of violating these provisions, shall, for every second or subsequent offense be indicted for a misdemeanor, and fined not less than five hundred dollars and imprisoned in the county jail not

¹Clara Francis, loc. cit., 202-204.

-67-

APPENDIX V

LIQUOR LAW OF 1868¹

An ACT to restrain dramshops and taverns, and to regulate the sale of intoxicating liquors.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Before a dramshop license, tavern license or grocery license shall be granted to any person applying for the same, such person, if applying for a township license, shall present to the tribunal transacting county business a petition or recommendation, signed by a majority of the residents of the township, of twenty-one years of age and over, both male and female, in which such dramshop, tavern, or grocery is to be kept; or if the same is to be kept in any incorporated city or town, then to the city council thereof, a petition signed by a majority of the residents of the ward, of twenty-one years of age and over, both male and female, in which said dramshop, tavern, or grocery is to be kept, recommending such person as a fit person to keep the same, and requesting that a license be granted to him for such purpose: Provided, That the corporate authorities of cities of the first and second class may, by ordinance, dispense with the petition mentioned in this section.

Sec. 2. Upon every license granted to a dramshop keeper, and upon every license granted to a tavern keeper or grocery keeper, there shall be levied a tax of not less than one hundred dollars nor more than five hundred dollars for every period of twelve months; the amount of the tax to be determined by the tribunal granting the license; the said tax to be paid into the treasury of the county or city granting such license. And it shall be the duty of the board of county commissioners to appropriate all moneys received by such tribunal for license under this act, for the benefit of the township in which such license was granted; and all incorporated cities shall appropriate the moneys received by such cities for license under this act, as the council thereof may provide.

Sec. 3. Any person, without taking out and having a license as grocer, dramshop keeper or tavern keeper, who shall, directly, or indirectly, sell any spirituous, vinous or fermented or other intoxicating liquors, shall be fined in any sum not more than one hundred dollars for each offense; and any person convicted of violating these provisions, shall, for every second or subsequent offense be indicted for a misdemeanor, and fined not less than five hundred dollars and imprisoned in the county jail not

¹Clara Francis, loc. cit., 202-204.

more than six months.

Sec. 4. Any person who shall keep open any porter, ale, or beer house, grocery, dramshop or tippling house, or shall sell or retail any fermented, distilled or intoxicating liquors on the first day of the week, commonly called Sunday, the fourth of July, or upon any election day, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and fined a sum not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment. If such person is licensed as a grocer, dramshop keeper or tavern keeper, he shall, in addition to the above provision, forfeit his license, and shall not again be allowed to obtain a license under the law for the period of two years next after conviction.

Sec. 5. Before any person shall be licensed as a dramshop keeper, or grocer, or tavern keeper under the provisions of this act, he shall execute to the tribunal granting such a license a bond to the sum of two thousand dollars, with at least two securities, to be approved by said tribunal, conditioned that he will not keep a disorderly house; that he will not sell or permit to be sold any intoxicating liquors to any minor, without the consent of the guardian of such minor; that he will not keep his dramshop, tavern, or grocery open on Sundays, fourth of July, or any election day, nor will he sell or allow to be sold thereat, on Sunday, fourth of July, or any election day, directly, or indirectly, any intoxicating liquors; and, upon said person being convicted of any of the offenses enumerated therein, suit may be brought against said principal and securities, to recover the amount of fine or fines adjudged against him on said conviction, in any court of competent jurisdiction.

Sec. 6. Every person who shall, directly or indirectly, knowingly sell, barter or give away any intoxicating liquor to any person who is in the habit of being intoxicated, after notice shall have been given him by the wife, child, parent, brother or sister of such person, or by any civil officer charged with the care and custody of the poor of the township, city or ward where he resides, that such person is in the habit of being intoxicated, or to any person in a state of intoxication, or to any minor without the consent of his parents or guardian, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not less than ten nor more than sixty days, or by both such fine and imprisonment.

Sec. 7. All places where intoxicating liquors are sold, in violation of this act, shall be taken, held and declared to be common nuisances; and all rooms, taverns, costs assessed against the person occupying such building or premises, for any violation of this act.

eating houses, bazaars, restaurants, groceries, coffeehouses, cellars or other places of public resort, where intoxicating liquors are sold in violation of this act, shall be shut up and abated as public nuisances.

Sec. 8. It shall be unlawful for any person to get intoxicated; and every person found in a state of intoxication shall, upon conviction thereof, before any justice of the peace, be fined the sum of five dollars.

Sec. 9. Every person who shall, by sale, barter or gift of intoxicating liquors, cause the intoxication of any other person, such person or persons shall be liable for and compelled to pay a reasonable compensation to any person who may take charge of and provide for such intoxicated person, and five dollars per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication; which sum may be recovered by a civil action before any court having jurisdiction.

Sec. 10. Every wife, child, parent, guardian, employer or other person, who shall be injured in person or property or means of support, by an intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, guardian, employer or other person shall have a right of action in his or her own name against any person who shall, by selling, bartering or giving intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained, as well as exemplary damages; and a married woman shall have the right to bring suits, prosecute and control the same and the amount recovered, the same as if unmarried; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parents, guardian or next friend, as the court shall direct; and all suits for damages, under this act, shall be by civil action in any of the courts of this state having jurisdiction thereof.

Sec. 11. The giving away of intoxicating liquors, or other shifts or device to evade the provision of this act, shall be deemed and held to be an unlawful selling within the provisions of this act.

Sec. 12. For all fines and costs assessed against any person or persons for any violation of this act, the real estate and personal property of such person or persons, of every kind, not exempt, shall be liable for the payment thereof, and such fines and costs shall be a lien upon such real estate until paid; and, in case any person or persons shall rent or lease any building or premises, and knowingly suffer the same to be used and occupied for the sale of intoxicating liquors, contrary to this act, such building and premises, so leased and occupied, shall be held liable for and may be sold to pay all fines and costs assessed against the person occupying such building or premises, for any violation of this act.

Sec. 13. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquors sold, but shall be necessary to describe the place where sold; and for any violation of the third or fourth sections, it shall not be necessary to state the name of any person to whom sold; and in all cases, the person or persons to whom intoxicating liquors shall be sold, in violation of this act, shall be competent as witnesses to prove such fact or any other tending thereto.

Sec. 14. All sales of intoxicating liquors, made by a keeper of a dramshop, on a credit, shall be void and of no effect, and the debt thereby attempted to be created shall not be recoverable at law.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.

Approved, March 3, 1868.

by much hard labor was educated as a lawyer and admitted to the bar. He was widely traveled and was also a soldier in the Civil War. He was a natural born orator and a politician. St. John came to Kansas in May 1869 and settled at Olathe, where he entered the practice of law. St. John was a citizen above the ordinary type. He received minor political offices unsought, and often stamped the state in behalf of the Republican Party. In 1872 St. John was elected to the legislature and served on several committees. St. John, ever since his arrival in Kansas, had been a foe of the liquor interests. He was uncompromising on this issue. He became a leader in the prohibition movement in the state.

In 1876 he was nominated governor on the Prohibition ticket but declined the nomination. He preferred to remain in the Republican ranks where his friends were and not form a new party. The Republican party, at his

-71-

APPENDIX VI

insistence denounced the evils of liquor in 1874 and again in 1878 the SKETCH OF THE LIFE OF JOHN P. ST. JOHN the liquor laws. In the latter part of the sixties there arrived in Kansas a man destined to be known as the "Apostle of Prohibition" in the temperance fight. This individual was John P. St. John, born of Huguenot parents at Brookfield, Indiana, February 25, 1853. Young St. John spent his life in the ordinary fashion receiving a common school education and by much hard labor was educated as a lawyer and admitted to the bar. He was widely traveled and was also a soldier in the Civil War. He was a natural born orator and a politician. St. John came to Kansas in May 1869 and settled at Olathe, where he entered the practice of law. St. John was a citizen above the ordinary type. He received minor political offices unsought, and often stumped the state in behalf of the Republican Party. In 1872 St. John was elected to the legislature and served on several committees. St. John, ever since his arrival in Kansas, had been a foe of the liquor interests. He was uncompromising on this issue. He became a leader in the prohibition movement in the state. by the legislature in recognition

In 1876 he was nominated governor on the Prohibition ticket but declined the nomination. He preferred to remain in the Republican ranks where his friends were and not form a new party. The Republican party, at his address, "John P. St. John," History of the State of Kansas, pp. 240-21.

²Mrs. Jennie St. John," Kansas State Teachers College's Clipping Files, Porter Library, Kansas State Teachers College, Pittsburg, Kansas.

insistence denounced the evils of liquor in 1874 and again in 1878 the party demanded better enforcement of the liquor laws. St. John became the standard bearer of the party for governor in 1878, and he was elected by a large majority. During his message to the legislature he heralded his temperance views to the legislators. St. John only hoped to strengthen the Dram-shop Law of 1868 and it was beyond his wildest temperance dreams when both houses passed Joint Resolution Number 3 that was destined to be an amendment to the state constitution. In the election of 1880 St. John was re-elected governor. He was defeated in 1882 by G. W. Glick. St. John never gave up his attitude towards prohibition and after his retirement became a lecturer for the National Prohibition Movement. He traveled nearly 350,000 miles while carrying on this work.¹ All through both his political and temperance activities he was aided by his wife, Jennie St. John. She was almost as well known as her famous husband. After his death she lived in Los Angeles, California. Mrs. St. John was the only woman of Kansas to be granted a monthly pension of one hundred dollars by the legislature in recognition of the services of herself and her illustrious husband.²

¹I. O. Pickering, "The Administration of John P. St. John," Transactions of The Kansas State Historical Society, IX, 379-382.

"Ex-Governor St. John," Kansas City Star, September 9, 1934.

Andreas, "John P. St. John," History of the State of Kansas, pp. 240-21.

²"Mrs. Jennie St. John," Kansas State Teachers College's Clipping Files, Porter Library, Kansas State Teachers College, Pittsburg, Kansas.

-73-

APPENDIX VII

1880 after the amendment had won in the election he pro-
tested that

SKETCH OF THE LIFE OF GEORGE W. GLICK

An outstanding enemy of the prohibition movement in Kansas was George W. Glick born in Greencastle, Ohio, July 4, 1827. He was of German and Scotch descent. George W. Glick was a very studious boy and obtained a good common school education, after which he studied law, was admitted to the bar and opened an office at Fremont, Ohio. Glick soon acquired fame because of his ability to win cases for his clients. He was always plain spoken and industrious. He came to Kansas in 1858, located in Atchison and opened up his office with Alfred G. Otis, an eminent lawyer of that city. Glick made many friends and soon became a leader in the Democratic party. He held many public offices and served as a member of the House of Representatives at intervals between 1862 and 1880. Because of his ability as a lawyer and an orator he was placed on many important committees during his membership in the House. In the matter of prohibition George W. Glick, while a temperate man in his own habits, was not in favor of prohibition being placed into the State Constitution, and never lost an opportunity to protest against such legislation. During a session of the legislature on February 22, 1876 the prohibition leaders were trying to have the Liquor Law of 1868 changed. Glick made a formal protest against any change; again in

1880 after the amendment had won in the election he protested that the liquor evil could never be controlled by the amendment and that it was unfair to the people of the state. After Glick's defeat of Governor St. John in 1882 he tried to have the amendment re-submitted to the voters but he failed in the movement. George W. Glick served his state to the best of his ability and should be respected by Kansans because of his fearlessness in expressing what he thought was right. He died at his home in Atchison, April 13, 1911.¹ In 1914 the statue of George W. Glick was placed in the National Statuary Hall in Washington, D. C.²

¹Andreas, "George W. Glick," History of the State of Kansas, p. 241.

²World Book, XV, 6817.

"6. The evils resulting from abolishing the license system will result in turning the politics of cities over to those who will secure the election of officers who will not prosecute or aid in enforcing the law, by which the moral character of all cities will suffer and crime will be greatly increased with inadequate power to prevent it.

"I am satisfied that my constituents do not desire any change in the present liquor law. I believe they are satisfied with its provisions, and under its operation they have been able to control its traffic, prevent the evils and abuses incident thereto, and preserve the peace and quietude of the city, and prevent increased immorality and law-breaking without being compelled to submit to increased taxation that would be needed if this bill becomes a law.

"G. W. Glick."

¹Andreas, "George W. Glick," History of the State of Kansas, p. 241.

APPENDIX VIII

PROTEST OF GEO. W. GLICK AGAINST HOUSE BILL NUMBER 216¹

"Mr. Speaker: I enter my protest against the passage of House Bill No. 216, an act to amend Section 1 of Chapter 35 of the General Statutes of 1868, relating to dram-shops, for the following reasons:

"1. A prohibitory liquor law, wherever tried, has been a failure, and has not accomplished its purposes. This proposition is conceded by all those who have given the subject a careful consideration, and were not controlled by fanaticism.

"2. This bill, if passed into a law, will result in the increased use of intoxicating liquors, as no one will attempt to enforce such a law.

"3. The regulation and control over the traffic in intoxicating liquors in cities is an absolute necessity for the preservation of the peace and good order of society, and that control over it is taken away by this bill.

"4. The revenue derived from the sale of intoxicating liquors aids in paying the burdensome expenses following in the wake of such sales, but by this law the burdens on the public are increased, while the ability of the public, and more especially the cities, to prevent them is decreased.

"5. The liquor traffic will, by this bill, if it becomes a law, greatly increase the number of places wherein liquor is sold, and as a necessary result the evils of the traffic will be greatly increased, the expenses of protecting life and property and preserving the peace of the public in cities greatly increased, with no resulting benefit from this bill if it becomes a law.

"6. The evils resulting from abolishing the license system will result in turning the politics of cities over to those who will secure the election of officers who will not prosecute or aid in enforcing the law, by which the moral character of all cities will suffer and crime will be greatly increased with inadequate power to prevent it.

"I am satisfied that my constituents do not desire any change in the present liquor law. I believe they are satisfied with its provisions, and under its operation they have been able to control its traffic, prevent the evils and abuses incident thereto, and preserve the peace and quietude of the city, and prevent increased immorality and law-breaking without being compelled to submit to increased taxation that would be needed if this bill becomes a law.

"G. W. Glick."

¹Andreas, "George W. Glick," History of the State of Kansas, p. 241.

-76-

APPENDIX IX

GOVERNOR ST. JOHN'S MESSAGE ON TEMPERANCE

TO THE JOINT SESSION OF THE SENATE AND HOUSE,

JULY 16, 1879¹

"The subject of temperance, in its relation to the use of intoxicating liquors as a beverage, has occupied the attention of the people of Kansas to such an extent, that I feel it my duty to call your attention to some of its evils, and suggest if possible, a remedy therefor. Much has been said of late years about hard times and extravagant and useless expenditures of money; and in this connection I desire to call your attention to the fact that here in Kansas, where our people are at least sober and temperate as are found in any of the states in the West, the money spent annually for intoxicating liquors would defray the entire expenses of the state government, including the care and maintenance of all its charitable institutions, Agricultural College, Normal School, State University, and Penitentiary - and all for something that, instead of making mankind nobler, purer and better, has not only left its dark trail of misery, poverty and crime, but its direct effects, as shown by the official report, have supplied our state prison with 105 of its present inmates.

"Could we but dry up this great evil that consumes annually so much wealth and destroys the physical, moral and mental usefulness of its victims, we would hardly need prisons, poorhouses or police.

"I fully realize it is easier to talk about the evils flowing from the use of intoxicating liquors as a beverage than it is to provide a remedy for them. If it could be fully accomplished, I am clearly of the opinion that no greater blessing could be conferred by you upon the people of this state than to absolutely and forever prohibit the manufacture, importation and sale of intoxicating liquors as a beverage. But many people insist that a prohibitory law could not, or at least would not, be enforced, and that any law cannot be or is not enforced is worse than no law at all.

"I have too much faith in the people of Kansas to believe that any law intended to, and the effect of which would be to promote the moral, physical and mental condition of mankind would not be rightly enforced. Yet, desiring the passage of no law in relation to the enforcement of which there could be any doubt, and with a view to the adoption of such measures only as will be backed up and

¹Clara Francis, loc. cit., XV, 213-214.

enforced by the moral sentiment of our people, I respectfully call your attention to the first section of what is commonly known as the dramshop act, which reads as follows:

"Before a dramshop license or grocery license shall be granted to any person applying for the same, such person, if applying for a township license, shall present to the tribunal transacting county business a petition or recommendation signed by a majority of the residents of the township of twenty-one years of age and over, both male and female, in which such dramshop, tavern or grocery is to be kept; or if the same is to be kept in any incorporated city or town, then to the city council thereof, a petition signed by a majority of the residents of the ward, of twenty-one years of age and over, both male and female, in which said dramshop, tavern or grocery is to be kept, recommending such person as a fit person to keep the same, and requesting that a license be granted to him for such a purpose: Provided, That the corporate authorities of cities of the first and second class may by ordinance dispense with petition mentioned in this section."

"And earnestly recommend that said section be amended by striking out the proviso therein contained, and requiring the party desiring a license under said section to publish his petition, with the names of the signers thereto, in some newspaper printed and of general circulation in the town, city or township in which he desires to obtain such license; or, in case no newspaper is so published, then in some newspaper published in the county and of general circulation; and thus place all the cities, towns and townships in the state, irrespective of the particular class to which they belong, on an equal footing, and let the people in each locality settle this question for themselves."

"Prohibition in Kansas," History of the State of Kansas, p. 288.

APPENDIX X

CONTENTS OF PROPOSED AMENDMENT TO THE CONSTITUTION¹

Proposing an amendment to Article Fifteen of the Constitution of the State of Kansas, relating to the manufacture and sale of intoxicating liquors, by adding Section Ten to said article.

Be it enacted by the Legislature of the State of Kansas, two-thirds of all the members elected to each House voting therefor:

Section 1. The following proposition to amend the Constitution of the State of Kansas shall be submitted to the electors of the State for adoption or rejection, at the general election to be held on the Tuesday succeeding the first Monday of November, A. D. eighteen hundred and eighty: Proposition.-Article Fifteen shall be amended by adding Section Ten thereto, which shall read as follows: "The manufacture and sale of intoxicating liquors shall be forever prohibited in this State, except for medical, scientific and mechanical purposes."

Sec. 2. The following shall be the method of submitting said proposition to the electors: The ballots shall be either written or printed, or partly written and partly printed; and those voting for the proposition shall vote, "For the proposition to amend the Constitution;" and those voting against the proposition shall vote, "Against the proposition to amend the Constitution."

Sec. 3. This resolution shall take effect and be in force from and after its publication in the statute books.

¹ Andreas, "Prohibition in Kansas," History of the State of Kansas, p. 288.

APPENDIX XI

J. R. DETWILER'S RESOLUTION¹

October 1.-Platform adopted by the Temperance Union:

RESOLVED, That we, as a grand lodge, petition the legislature of the state of Kansas that they do submit to the people of said state at the ballot box a constitutional amendment prohibiting the importation, sale and manufacture of intoxicating liquors within the boundary of the aforesaid state.

¹ Clara Francis, loc. cit., 213. late legal prohibition to be right. Clara Francis, loc. cit., 213. ice, and that it is the duty of all good citizens to put forth their best efforts to secure the adoption of the constitutional amendment in 1880.

"4. That we believe there can be no other issue so vital to the welfare of our commonwealth as that embodied in this proposition, and that we appeal to all men, irrespective of party claims, to vote for the proposed amendment.

"5. That we believe the Christian and temperance people of our State have only to rally to the support of this amendment, and pray, labor and vote for the prohibition of the liquor traffic, and it must and will be prohibited.

"6. That the first and most important work in this campaign is to thoroughly organize the temperance people in every county, township and school district in the State, for the purpose of securing unity, harmony and efficiency in our action."

¹ D. W. Wilder, Annals of Kansas, 1541-1895, p. 859.

APPENDIX XII

PLATFORM OF TEMPERANCE UNION¹

October 1.-Platform adopted by the Temperance Union:

"RESOLVED, That the traffic in intoxicating drinks is detrimental to every human interest, and therefore always and everywhere wrong.

"2. That all license laws are framed in iniquity, because they attempt to legalize crime, and thus render the State particeps criminis.

"3. That we believe absolute legal prohibition to be right in principle and safe in practice, and that it is the duty of all good citizens to put forth their best efforts to secure the adoption of the constitutional amendment in 1880.

"4. That we believe there can be no other issue so vital to the welfare of our commonwealth as that embodied in this proposition, and that we appeal to all men, irrespective of party claims, to vote for the proposed amendment.

"5. That we believe the Christian and temperance people of our State have only to rally to the support of this amendment, and pray, labor and vote for the prohibition of the liquor traffic, and it must and will be prohibited.

"6. That the first and most important work in this campaign is to thoroughly organize the temperance people in every county, township and school district in the State, for the purpose of securing unity, harmony and efficiency in our action."

¹D. W. Wilder, Annals of Kansas, 1541-1895, p. 859.

Mr. and Mrs. Wilson lived on this place sixteen years.

Drusilla Wilson arrived just in time to join the Women's Crusade of Lawrence. She often led the women in saloon and street prayer meetings. She did this until a saloon keeper convinced her that his saloon business was just as legal as her husband's occupation of farming. He informed Mrs. Wilson that he paid five hundred dollars for his license and had protection from the officers of the county. Drusilla

-81-

APPENDIX XIII

SKETCH OF THE LIFE OF DRUSILLA WILSON

The outstanding woman lecturer of the prohibition cause in Kansas was Mrs. Drusilla Wilson, the Quaker preacher, of Lawrence. She was born in Belmont County, Ohio, May 3, 1815 and was reared in a Christian home. Drusilla received as good an education as was given to girls in those times. She was married to Jonathan Wilson, October 21, 1833 at the Friends' Church near Dublin, Indiana. The young couple then settled on a farm near Carmel, Indiana. They soon became prosperous and respected members of the community. Drusilla Wilson was a good speaker and was often called upon by the Friends to lecture for their cause over the state. The family came to Kansas in the fall of 1871 to visit their two sons who lived near Lawrence. Both Mr. and Mrs. Wilson liked Kansas so well that they decided to remain in the state, and they purchased a hillside farm about one mile south of the present location of the State University. Mr. and Mrs. Wilson lived on this place sixteen years. Drusilla Wilson arrived just in time to join the Women's Crusade of Lawrence. She often led the women in saloon and street prayer meetings. She did this until a saloon keeper convinced her that his saloon business was just as legal as her husband's occupation of farming. He informed Mrs. Wilson that he paid five hundred dollars for his license and had protection from the officers of the county. Drusilla

Wilson then told the women that they must not bother the saloon keepers any more but work to make their business illegal in the state by having laws written into the constitution controlling the liquor business. After the passage of Joint Resolution Number 3, Mrs. Wilson helped plan the campaign for the amendment. Many of the communities in Kansas were isolated and without railroad connections so she and her husband volunteered to go to these places and lecture for the proposed amendment. The couple traveled by carriage and carried the temperance message to the most remote parts of the state. They often slept in their carriage, went without food, forded deep and dangerous streams, traveled uncharted prairie roads, mired in the gumbo mud of river bottoms, and sweltered in the boiling summer sun of the unshaded plains of western Kansas; yet this brave couple moved relentlessly on until three thousand miles had been covered and their faithful horses could pull their worn carriage no further. They were indeed weary but home was so near that Mrs. Wilson said, "Jonathan do you think the team will be able to get up the hill to the house, or shall I walk on ahead and get some one to come and help us?"¹ "No," said Jonathan, as he looked at the steep hill that led to the Wilson home, "they will make it if we give them their own time but we

¹A Brief Sketch of the Lives of Jonathan and Drusilla Wilson with Introduction by Allen Joy, (Plainfield, Indiana, Association of Friends) pp. 50-62.

must get out and walk up the hill. We may have to help now and then, but Drusilla, it is a good thing that this is the last hill for the horses would never be able to climb another one." The Wilsons suffered all these hardships for their ideals. After the election was over and the proposed amendment had passed by a safe majority Mrs. Wilson took up active work for the Women's Christian Temperance Union. She became an organizer and again traveled over the state. After the death of Mr. Wilson in 1886, she returned to Indiana to make her home dividing her time between the home of her son in Carmel and her daughter's home in Indianapolis. She reached the age of ninety years and was beloved by the temperance people of Kansas. These words are to be found on her tombstone in the Carmel cemetery: "Oh beautiful consecrated life! Almost sublime in thy perfectness. Nearly a century spent in active service for the Master, a life not shortened by disease, but worn out for His sake."²

² A Brief Sketch of the Lives of Jonathan and Drusilla Wilson, with Introduction by Allen Joy, (Plainfield, Indiana, Association of Friends) pp. 50-62.

The fire will go out in the still,
And the worm that has nursed it will be dead,
Its ruins give place to the mill,
To feed all our people with bread.

"It Was a Thrilling Campaign That Made Kansas Dry in 1880." Kansas City Star, Sept. 21, 1930.

² Ibid.

APPENDIX XIV

BATTLE HYMEN OF THE PROHIBITIONISTS¹

Counties	Proposition to Amend the Constitution	Against Proposition to Amend the Constitution
Allen.....	Hold the fort for I am coming, Jesus signals still.	951
Anderson.....	Wave the answer back to heaven	870
Atchison.....	By Thy Grace we will.	3,147
Barbour.....		213
Barton.....	See the mighty host advancing,	1,058
Bourbon.....	Satan leading on,	1,964
Brown.....	Mighty men around us falling	1,288
Butler.....	Courage almost gone.	1,141
Chase.....		660
Chautauque.....	See the glorious banner waving,	819
Cherokee.....	Hear the bugle blow,	1,944
Clay.....	In our Leader's Name, we'll triumph	907
Cloud.....	Over every foe.	1,261
Coffey.....		1,209
Cowley.....		870
Crawford.....	NEW PROHIBITION SONG ²	1,469
Davis.....	(Sung to the tune of "In the Sweet By and By")	607
Decatur.....		251
Dickinson.....	"There's a time that is coming at last,	1,222
Doniphan.....	O hasten that beautiful day,	2,150
Douglas.....	When rum traffic's power will be past,	1,602
Edwards.....	And the Christians shall vote as they pray.	194
Elk.....		964
Ellis.....	Chorus	463
Ellsworth.....		781
Ford.....	It will come, by and by,	488
Franklin.....	O welcome that beautiful day,	1,293
Graham.....	It will come, by and by,	358
Greenwood.....	When Christians shall vote as they pray.	941
Harper.....		316
Harvey.....	The fire will go out in the still,	858
Hodgeman.....	And the worm that has nursed it will be dead,	55
Jackson.....	Its ruins give place to the mill,	1,076
Jefferson.....	To feed all our people with bread.	1,723
Jewell.....		1,256
Johnson.....		1,787

¹"It Was a Thrilling Campaign That Made Kansas Dry in 1880." Kansas City Star, Sept. 21, 1930.

²Ibid. Andreas, "Prohibition in Kansas," History of the State of Kansas, p. 288.

APPENDIX XV

VOTE ON AMENDMENT BY COUNTIES¹

Counties	For Proposition to Amend the Constitution	Against Proposition to Amend the Constitution
Allen.....	1,305	951
Anderson.....	909	870
Atchison.....	1,343	3,147
Barbour.....	220	213
Barton.....	490	1,058
Bourbon.....	1,410	1,964
Brown.....	1,345	1,288
Butler.....	2,211	1,141
Chase.....	597	660
Chautauqua.....	1,051	819
Cherokee.....	2,421	1,944
Clay.....	1,296	907
Cloud.....	1,454	1,261
Coffey.....	1,025	1,209
Cowley.....	3,243	870
Crawford.....	1,655	1,469
Davis.....	628	607
Decatur.....	146	251
Dickinson.....	1,477	1,222
Doniphan.....	821	2,150
Douglas.....	2,711	1,602
Edwards.....	121	194
Elk.....	1,232	564
Ellis.....	355	463
Ellsworth.....	611	781
Ford.....	125	488
Franklin.....	1,967	1,293
Graham.....	207	358
Greenwood.....	1,059	941
Harper.....	424	316
Harvey.....	1,148	858
Hodgeman.....	147	65
Jackson.....	1,056	1,098
Jefferson.....	1,306	1,723
Jewell.....	1,557	1,256
Johnson.....	1,545	1,787
Kingman.....	265	346

¹ Andreas, "Prohibition in Kansas," History of the State of Kansas, p. 288.

Counties	For Proposition to Amend the Constitution	Against Proposition to Amend the Constitution
Labette.....	2,082	2,123
Leavenworth.....	1,486	3,882
Lincoln.....	613	733
Linn.....	1,494	1,292
Lyon.....	2,337	877
Marion.....	1,020	825
Marshall.....	1,428	1,853
McPherson.....	2,134	912
Miami.....	1,488	1,751
Mitchell.....	1,348	1,178
Montgomery.....	1,939	1,250
Morris.....	895	885
Nemaha.....	1,213	1,185
Neosho.....	1,528	1,164
Ness.....	200	216
Norton.....	575	491
Osage.....	2,287	1,684
Osborne.....	1,035	873
Ottawa.....	1,163	835
Pawnee.....	604	218
Phillips.....	978	708
Pottawatomie.....	1,549	1,475
Pratt.....	151	142
Reno.....	1,006	932
Republic.....	1,330	919
Rice.....	1,087	625
Riley.....	1,178	828
Rooks.....	503	696
Rush.....	315	305
Russell.....	443	655
Saline.....	1,410	1,207
Sedgewick.....	1,868	1,716
Shawnee.....	3,159	2,513
Sheridan.....	101	69
Smith.....	1,274	851
Stafford.....	393	301
Sumner.....	2,394	1,201
Trego.....	220	120
Wabaunsee.....	622	990
Washington.....	1,112	1,610
Wilson.....	1,487	1,069
Woodson.....	748	530
Wyandotte.....	1,222	2,481
Total.....	92,302	84,304

of Kansas, p. 288.

APPENDIX XVI

GOVERNOR ST. JOHN'S MESSAGE TO THE LEGISLATURE OF 1881¹

This amendment being now a part of the constitution of our State, it devolves upon you to enact such laws as are necessary for its rigid enforcement.

There are but few citizens to-day in Kansas who will not admit that "dramshops" are a curse to any people. More crime, poverty, misery and degradation flow from them than from all other sources combined. The real difference of opinion existing in relation to them, is not so much as to whether they are an evil or a blessing, but rather as to what course should be pursued toward them. Some have contended that they should be licensed, but it seems to me that if they are an evil no government should give them the sanction of the law. They should be prohibited as we prohibit all other acknowledged evils. It has been urged, as an argument in favor of licensing dramshops, that under that system a large revenue is derived. Granting this to be true, I insist that we have no right to consider the question of revenue at a cost of the sacrifice of principle. All the revenue ever received from such a source will not compensate for a single tear of a heart-broken mother at the sight of her drunken son as he reels from the door of a licensed dramshop.

But viewing the question solely from a financial standpoint, all persons who take pains to give the matter a thorough and impartial investigation will be forced to admit that every dollar of revenue derived from such license costs the people not less than \$10 in loss of time and property, cost of courts, prisons and poor-houses, say nothing of the destruction of the physical, mental and moral elements of mankind, which cannot be estimated. The people of Kansas have spoken upon the whole question in language that cannot be misunderstood. By their verdict the license system, as it relates to the sale of intoxicating liquors as a beverage, has been blotted from the state books of the State. We now look to the future, not forgetting that it was here on our soil where the first blow was given that finally resulted in the emancipation of a race from slavery. We have now determined upon a second emancipation, which shall free not only the body but the soul of man. Now, as in the past, the civilized world watches Kansas, and anxiously awaits the result. No step should be taken backward. Let it not be said that any evil exists in our midst, the power of which is greater than the people.

¹ Andreas, "Prohibition in Kansas," History of the State of Kansas, p. 288.

-38-

APPENDIX XVII

LIQUOR LAW OF 1881¹

This law was approved February 19, 1881. A few of the Sections of the law that varied from the previous laws controlling the liquor traffic are as follows:

Be it enacted by the Legislature of the State of Kansas:

Section 1. Any person or persons who shall manufacture, sell or barter any spirituous malt, vinous, fermented or other intoxicating liquors, shall be guilty of misdemeanor, and punished as hereinafter provided: Provided, however, That such liquors may be sold for medical, scientific and mechanical purposes, as provided in this act.

Sec. 2. It shall be unlawful for any person or persons to sell or barter, for medical, scientific or mechanical purposes, any malt, vinous, spirituous, fermented or other intoxicating liquors, without first having procured a druggist's permit therefor from the Probate Judge of the county wherein such druggists may at the time be doing business, and such Probate Judge is hereby authorized, in his discretion, to grant a druggist's permit for the period of one year, to any person of good moral character, who is lawfully and in good faith engaged in the business of druggist in his county, and who, in his judgment, can be intrusted with the responsibilities of selling said liquors for the purposes aforesaid, in the manner hereinafter provided. In order to obtain a druggist's permit under this act, the applicant therefor shall present to the Probate Judge of the county wherein such person is engaged in business, a petition, signed by at least twelve citizens of the township or city wherein such business is located, certifying that the applicant is a person of good moral character and lawfully engaged in the business of druggist. He shall also file with such petition a good and sufficient bond to the State of Kansas in the sum of twenty-five hundred dollars, conditioned that such applicant will neither use, sell, barter nor give away any of the liquors mentioned in section one of this act in violation of any of the provisions of this act; and on such violation, said bond shall thereby become forfeited. Such bond must be signed by the applicant, and by at least two of the persons signing such petition as sureties, and such sureties must jointly or severally justify in writing, under oath, in the sum of five thousand dollars over and above all their debts, legal exemptions and liabilities;

¹Andreas, "Prohibition in Kansas," History of the State of Kansas, pp. 289-290.

Provided, That in cities, towns and places of less than five thousand population, said bond may be in the sum of one thousand dollars, and the sureties shall justify as provided above in the sum of two thousand dollars. The Probate Judge shall consider such petition and bond, and if satisfied that the petition is true, and that the bond is sufficient under this act, may in his discretion grant a permit to the applicant to sell intoxicating liquors for medical, scientific and mechanical purposes only, and thereupon, before delivering said permit, and before it shall be of any validity, the Probate Judge shall record upon the journal of his court the said permit, together with his order granting the same, and the bond filed therewith and justification thereon, which said permit shall be posted in a conspicuous place in the store where such business shall be carried on. The Probate Judge shall receive for said service the sum of five dollars, to be paid by the applicant.

Sec. 3. Any physician who is regularly engaged in the practice of his profession as a business, and who in cases of actual sickness shall deem any of the liquors mentioned in the written or printed prescription therefor. But no such prescription shall be made or given except in case of actual sickness, and when, in the judgment of such physician, the use of intoxicating liquor is necessary as a remedy. Whenever, in the treatment of a minor, it shall be necessary to use intoxicating liquor as a remedy, the same shall be procured by his parent or guardian, or some other person of full age, to whom such physician may deliver a prescription for that purpose. Every physician, before making a prescription for intoxicating liquor, shall make and file with the Probate Judge of the county wherein he may practice his profession, an affidavit before some officer of the county authorized to administer oaths, in substance as follows:

STATE OF KANSAS, COUNTY OF _____, SS.

I, A. B., do solemnly swear that I am a practicing physician of the State of Kansas, residing in the county of _____ in said State, and I do further solemnly swear that I will not prescribe intoxicating liquors of any kind for any person or persons whomsoever, unless in case of actual sickness, and when the same is necessary for the health of the patient; that I will in all things faithfully keep, observe and perform all the requirements and conditions of the laws of Kansas regulating the sale and use of intoxicating liquors. So help me God.

Signed _____

Sworn to before me, and subscribed in my presence,
this _____ day of _____, A. D. _____.

And such affidavit shall be renewed and filed at the expiration of each five years of said physician's practice. Every physician, or person assuming to act as such, who shall make a prescription for any intoxicating liquors without having made and filed the affidavit in this section provided, or who shall, after making and filing such affidavit, violate any of the provisions of this, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars; and for any second or subsequent offense shall, upon conviction, be subject to the same fine, and in addition thereto shall be imprisoned in the county jail not less than thirty days nor more than six months. No druggist shall sell upon or fill any prescription for intoxicating liquors until the physician making the same shall have made and filed the affidavit in this section provided, and shall not continue such sales for more than five years after such affidavit is filed, unless a new affidavit is filed, as required by this section. The Probate Judge shall forthwith deliver to each licensed druggist in his county a certificate of the filing of each physician's affidavit required by this act.

Sec. 22. It shall be and is hereby made the duty of all courts of this State before whom a grand jury is summoned, to charge such grand jury specially concerning this act, and direct said jury to inquire particularly of all violations of any of its provisions.

Sec. 23. Chapter 35 of the general statutes of 1868, and all acts and parts of acts in conflict with this act, are hereby repealed.

Sec. 24. This act shall be immediately published in the official State paper, and take effect and be in force from and after the 1st day of May, A. D. 1881.

It denies the farmer the use of his vineyard and orchard for purposes heretofore regarded as legal and honorable.

It destroys the breweries of the State, without compensation.

It deprives the school fund of part of its revenues, in violation of the constitution.

It offers bribes for its execution, fosters the vocation of the informer and blackmailer, and uses the courts of justice for inquisitorial and impertinent purposes.

¹Andreas, "Prohibition in Kansas," History of the State of Kansas, p. 290.

-91-

APPENDIX XVIII

PROTEST OF HON. GEORGE W. GLICK¹

Mr. Speaker: I enter my protest against the passage of the act entitled "An act to prohibit the manufacture of intoxicating liquors, except for medical, scientific and mechanical purposes, and to regulate the manufacture and sale thereof for such excepted purposes."

I desire to say that I am not opposed to temperance or temperance laws, but am heartily in favor of both, and it is only to the arbitrary and extraordinary provisions of this act to which I object, and I submit the following as some of the reasons for my vote against it, and why I claim its passage a calamity to the cause of temperance and a wrong to the people of this State.

It makes the buying of wine for sacramental purposes a crime; it is oppressive, inquisitorial and impertinent in the effects, and will engender and organize strifes and malicious prosecutions in many communities.

It is an open and palpable violation of several provisions of the constitution of this State.

It destroys private property without compensation.

It provides for the invasion of even private residences, and proposes to declare them nuisances, for contemptible and impertinent purposes.

It destroys the confidential relations heretofore existing between the physician and patient; it makes private medical prescriptions public records, and thus degrades the medical profession and tends to expose to public gaze the private diseases and complaints of the female part of the community, which is simply cruel in its action and disreputable in its purpose.

It repeals the exemption laws in certain cases, and for the acts of the husband and the wife and children are deprived of even the last bed or the last pound of flour to gratify this vicarious punishment for a crime of which they are innocent.

It denies the farmer the use of his vineyard and orchard for purposes heretofore regarded as legal and honorable.

It destroys the breweries of the State, without compensation.

It deprives the school fund of part of its revenues, in violation of the constitution.

It offers bribes for its execution, fosters the vocation of the informer and blackmailer, and uses the courts of justice for inquisitional and impertinent purposes.

¹Andreas, "Prohibition in Kansas," History of the State of Kansas, p. 290.

It allows courts of justice to be used to gratify malice, and to encourage malicious prosecutions.

It destroys the business of druggists, and makes the sale or purchase of common medicines difficult or criminal, and their administration a crime unless a physician's prescription is secured, at an unnecessary expense.

It makes the use of alcohol in cases of emergencies or accidents a crime if used without first resorting to difficult and expensive proceedings, when the delay might result in the loss of life.

It provides for a change of the usual and ordinary rules of evidence, and the practice and proceedings in the courts of justice in criminal cases, and violates by implication the Constitution of the State, by denying to an accused person the right to know the nature and cause of the prosecution against him.

It violates the fourteenth amendment to the Constitution of the United States, that no State shall deprive any person of life, liberty, or property without due process of law, nor to deprive any person within its jurisdiction, of the equal protection of the laws.

For the foregoing reasons, with others not stated, I enter my protest against the passage of said act.

Andreas, A. T., History of the State of Kansas, Giving a Full Account of Its Growth from an Uninhabited Territory to a Wealthy and Important State; of Its Early Settlements. Its Rapid Increase in Population and the Marvelous Development of Its Great Natural Resources. Also a Supplementary History and Description of Its Counties, Cities, Towns and Villages. Chicago: A. T. Andreas, 1883.

Blackmar, Frank W., Kansas, A Cyclopedia of State History, Embracing Events, Counties, Cities, Towns, Prominent Persons, Supplementary Volume of Personal History. 3 vols. with supplementary volume. Chicago: Standard Publishing Co., 1912.

Holy Bible, containing the Old and New Testaments, King James Version. New York: American Bible Society, 1920.

Wilder, D. W., The Angels of Kansas, 1841-1855. Topeka: T. Delight Thacker, Kansas Book and Stationery House, 1911.

World Book Encyclopedia, 18 volumes. Chicago: W. B. Eerdmans and Co., 1934.

BIBLIOGRAPHY

Original Material

Thwaites, Reuben Gold, (Editor for) Original Journals of the Lewis and Clark Expedition 1804-1806, With Facsimiles, Maps, Plans, Views, Portraits and a Bibliography. Printed from the Original Manuscripts in the Library of the American Philosophical Society. 7 vols. New York City: Dodd, Mead and Co., 1904.

Vol. I contains information about first liquor problem on territory that is now Kansas.

Wyandotte Constitutional Convention Kansas, 1859. A Reprint of the Proceedings and Debates of the Convention which Framed The Constitution of Kansas at Wyandotte in July, 1859. Also The Constitution Annotated to Date, Historical Sketches, etc. Topeka: Kansas State Printing Plant, 1920.

General Works

Andreas, A. T., History of the State of Kansas Containing a Full Account of Its Growth from an Uninhabited Territory to a Wealthy and Important State; of Its Early Settlements. Its Rapid Increase in Population and the Marvelous Development of Its Great Natural Resources. Also a Supplementary History and Description of Its Counties, Cities, Towns and Villages, Chicago: A. T. Andreas, 1883.

Blackmar, Frank W., Kansas, A Cyclopedia of State History, Embracing Events, Counties, Cities, Towns, Prominent Persons, Supplementary Volume of Personal History, 3 vols. with supplementary volume. Chicago: Standard Publishing Co., 1912.

Holy Bible, containing the Old and New Testaments, King James Version. New York: American Bible Society, 1920.

Wilder, D. W. The Annals of Kansas, New Edition, 1541-1885. Topeka: T. Dwight Thacher, Kansas Publishing House, 1886.

World Book Encyclopedia, 18 volumes. Chicago: W. F. Quarrie and Co., 1934.

Special Works

Case, Nelson, History of Labette County, Kansas, From the First Settlement to the Close of 1892. Topeka: Crane and Co., 1893.

Giles, F. W., Thirty Years in Topeka. Topeka: George W. Crane and Co., 1886.

Hazlrigg, Clara H., History of Kansas. Topeka: Crane and Co., 1895.

McNeal, T. A., When Kansas Was Young. New York: The Macmillan Co., 1922.

Prentis, Noble L., A History of Kansas, Edited and Revised by Henrietta V. Race, A. M., Professor of Education, Southwestern College. Topeka: Caroline Prentis, 1909.

Prohibition in Kansas, History and Beneficial Results and How to Maintain and Enforce the Law, 1895-1901, T. E. Stephens, Compiler. Topeka: Kansas Farmer Co., 1902.

A Brief Sketch of the Lives of Jonathan and Drusilla Wilson. Introduction by Allen Joy. Plainfield, Indiana: Association of Friends, 1909. The name of the author was missing but the introduction was written by Allen Joy, a grandson.

Newspapers and Periodicals

Atchison Weekly Champion, February 3, 1872.

Francis, Clara, "The Coming of Prohibition to Kansas," Collections of the Kansas State Historical Society, 1919-1922 Together With Addresses, Memorials and Miscellaneous Papers. (Edited by William E. Connelley) XV, (1923) 192-227.

Girard Press, January 31, 1878.

Harrington, Grant W., "The Genesis of Prohibition," Collections of the Kansas State Historical Society, 1919-1922, Together With Addresses, Memorials and Miscellaneous Papers, (edited by William E. Connelley) XV (1923) 228-231.

Kansas City Star, March 16, 1922, Sept. 21, 1930, Sept. 9, 1934, May 18, 1936.

Leavenworth Times, January 28, 1872.

Lee, Thomas A., "Alfred W. Benson," Collections of the Kansas State Historical Society, 1915-1918. Together With Addresses at Annual Meetings, Memorials and Miscellaneous Papers. (Edited by W. E. Connelley, Secretary) XIV, (1918) 4-22.

Murphy, Eva M., "Woman's Christian Temperance Union," Transactions of the Kansas State Historical Society, 1907-1908. Embracing Addresses at Annual Meetings; The Centennial of Zebulon Montgomery Pike's Visit, Including a Review of One Hundred Years Under The Flag; Fiftieth Anniversary of the First Free State Territorial Legislature, 1857; Also the First State Legislature, and the Session of 1868; The Disappearing Indians; The Soldiers of Kansas; Floods in the Missouri River; and Interesting Personal Narrative. (Edited by George W. Martin, Secretary) X, (1908) 40-41.

Phillips, Wm. A., The Kansas Magazine I, (January-June, 1882).
Topeka: The Kansas Magazine Publishing Company, 1872, 1-5.

Pickering, I. O., "The Administration of John P. St. John," Transactions of the Kansas Historical Society, 1905-06, Embracing Addresses at Annual Meetings; Early Missions in Kansas; Semicentennial of Territorial Organization; River Navigation; Miscellaneous Papers. (Edited by George W. Martin, Secretary) IX, (1906) 379-382.

"Mrs. Jennie St. John," Kansas State Teachers College's Clipping Files, Porter Library, Kansas State Teachers College, Pittsburg, Kansas. There was no date on the clipping nor title of newspaper from which it was clipped.

Topeka Commonwealth, August 23, 1879, January 6, 1881.

Topeka Capital, August 22, 1879, April 26, 1931, April 30, 1933.

Topeka State Record, January 24, 1872.

Waters, Joseph G., "Samuel A. Kingman," Transactions of the Kansas Historical Society, 1905-1906, Embracing Addresses At Annual Meetings; Early Missions in Kansas, Semicentennial of Territorial Organization; River Navigation; Miscellaneous Papers. (Edited by George W. Martin, Secretary) IX, (1906) 45-46. For comments on Judge N. C. McFarland read footnote at bottom of pages referred to.