

Prohibition in Kansas

Section 2, Pages 31 - 36

A pamphlet on prohibition in Kansas circulated by the Topeka Daily Capital. The pamphlet was a result of the large number of requests for copies of the Kansas liquor law and state supreme court decisions. It also includes a letter by Gov. St. John.

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It is no such thing. Prohibition is a success, as many a victim of drink can testify, and as the families of many a drunkard are joyfully convinced. Liquors are bought by a comparatively few individuals, as was to be reasonably expected, but the youth of our state are not being tempted daily to commence a habit that leads almost surely to a drunkard's grave.—*Chanute Times* (Neosho county).

The trial of Gus. Hansbrough, for violating the liquor law, was hotly contested on both sides, and went to the jury on Monday evening—and failing to agree, the jury was discharged on Wednesday afternoon. The verdict would have been against the defendant but for one man, who, it seems, claimed there was no evidence to convict—when the evidence was positive, and defendant himself does not deny that he sold “beer” in violation of the law.—*Abilene Gazette* (Dickinson county).

We frequently hear of men who style themselves good citizens making light of the lawful efforts of our people to enforce the constitution and laws on the temperance question, and talking of the lawless acts which should be committed against informants on the subject. In 1861 such remarks fell from the lips of copperheads and rebels. We hope the laws will be strictly enforced. Every good citizen should stand firmly by the county attorney and other officers in their efforts to enforce the constitution and laws against whisky and its lawless friends.—*Junction City Tribune* (Davis county).

Charles Robinson, when he says that more intoxicants are used in Kansas to-day than prior to May 1st, and that there are more drunkards, utters that which is untrue. In our city all know that it is untrue. The sobriety and peace that has existed since May 1st is a subject of general remark. It stands out in letters of living light, that Wamego is more orderly—that there is better feeling—that we are building up, and that more wealth has been added since the first day of May than ever before. So it is, there is no use for whisky men to lie about it. Truth is mighty and will prevail.—*Wamego Agriculturist* (Pottawatomie county).

The liquor law is gaining friends continually, notwithstanding the efforts of ex-Gov. Robinson, Sam Wood, and its enemies generally, to make it odious. The principal object of the law is to close the whisky saloons, and they are closed and being closed over all the state. Where politicians and men who have some influence in moulding popular sentiment openly advise or indirectly encourage disobedience to the law, saloons are open—as in Topeka, Leavenworth and Atchison—but they, even, are careful to work slyly in most cases, and drunkenness has greatly diminished in the state, as the records of the police courts abundantly prove.—*Abilene Gazette* (Dickinson county).

We give below a copy of a letter received yesterday by a physician in this city from another at Oxford:

OXFORD, Kas., May 30, 1881.

Doctor: Dear Sir—I have a patient that is needing whisky badly. He is in the last stage of consumption. I cannot procure any in this town. One of the drug stores is out and the other has no license and will not sell me any. If you can help me to get this prescription filled in your town I will be under many obligations to you. If I can't get it filled I will send to Kansas City to-morrow. Very truly,
M. D.

—*Winfield Telegram* (Cowley county).

The people of Fredonia gave a two-thirds vote in favor of prohibition, and the law is respected here to the uttermost. When we voted for prohibition we wanted it, and the law has secured it to a satisfactory extent. People who buy or sell liquor in Fredonia can avoid punishment only by evading exposure or perjuring themselves. In the case tried here two weeks ago, which the *Times* alludes to, the guilt of the person arraigned could not be proven, hence conviction could not be executed. The prohibitory law is not too stringent in the eyes of those who honestly believe in prohibition. Some people say they voted for the amendment but are down upon the law. Such men failed to express their real convictions and showed that they are not capable of voting intelligently.—*Wilson County Citizen*.

It is a very easy matter for Missouri papers to make the assertion that Kansas is losing immigration on account of the temperance law, but it is a very difficult thing to substantiate it with facts and figures. Gov. St. John, who has the best means of knowing of any man in the state, has repeatedly said that the contrary is true. In our opinion, Kansas is being greatly benefitted by the temperance law, whether she is filling up as fast as she otherwise might or not. For the class of immigration which we are receiving are principally induced hither by the certainty of finding the best possible surroundings for their children. Almost any candid man will say that he would

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• prefer that fifty thousand honest, industrious, moral men, settle in the state rather than one hundred thousand whisky-drinking, shiftless bummers, a large proportion of whom would be prospective paupers upon the public!—*Ottawa Republican*.

The misrepresentations of the whisky men are as miserable in their character as the men who put them in circulation. The report that liquor is sold in open violation of the law in this town is not true. We have also learned from reliable sources that in the great majority of instances, the reports of liquors being sold in open violation of the law in other towns in the state is equally false. The men who put these reports in circulation are those who desire to have the law fail, and who hope by the circulation of such reports to break down and intimidate the temperance element. The desire is father to the falsehood. They should remember that men who fight this question from principle and not for gain or notoriety, are not the kind of men who are easily discouraged or intimidated, especially by false reports. The law is enforced in this county and its good effects are apparent upon every hand.—*Independence Tribune (Montgomery county)*.

Does prohibition prohibit? We should say it did, in Parsons, at least. During the month of June last year there were ten arrests for drunkenness. During the two months of May and June there has not been a single arrest. Judge Steel's court has been as quiet as a country grave-yard—more quiet, in fact. To make a living the judge has to file saws and increase the price of filing. The constables stand on the street corners with nothing to do. Holmes's corner is no longer blockaded with a mass of bleary-eyed, bloated bummers hunting for an invitation to take a drink. Everybody goes about his own business. Everybody is busy. The sound of the trowel and mechanic's hammer is heard in every part of the city. The city is blockaded with material for new buildings. This is the dull season for trade, but trade was never as good at this time of year as now. Prohibition prohibits in Parsons, and the people are satisfied with the prospects.—*Parsons Star (Labette county)*.

The trial of E. Hartman and Kate Hartman for the violation of the liquor law was concluded last Friday night. The verdict of the jury was guilty for E. Hartman, and not guilty for Kate Hartman. The case was long and hotly contested. We find that neighboring towns had become interested in the proceedings, so that the case was really made a test case, not alone for Salina but other places. The conclusion thus far reached is that the open violation of the law cannot escape conviction. A motion made by the defendant for a new trial was overruled. Justice Norton fixed Hartman's fine at \$300. He has since appealed to the district court. Both he and his daughter have been arrested on eleven different charges, and the trial of the first case is set for the 26th inst. We believe that the temperance men are now in earnest, and propose to prosecute the offenders vigorously. They will certainly be sustained by all good citizens in their efforts to enforce the law.—*Saline County Journal, July 21st*.

Also, there are now those favoring the prohibition who were opposed to it, because they see the good results. We have heard several business men in Oswego, this week, say that it has helped their business already; that men who used to spend their money at saloons are now buying things they need; that others are paying up better; that they feel safer in selling their goods to sober men. Thus, good is seen from a business standpoint. And as to the disturbing element, well, it is about played. The police court has had so little to do since the first of May that spiders have undisturbed woven their webs around the well worn benches of past days. Seldom do we hear the whoop of the drunken maudlin—never do we see the reeling, staggering, spreeing drunkard. These are the days of peace promised, and we see good results of the absence of intoxicants. The effect on business, in the way of money exchange, is too slight to observe. We have just as much money, just as much business, except the saloon business, and that had so little connection with legitimate business that its absence is unfelt in trade.—*Oswego Independent (Labette county)*.

PROHIBITION IN THE LARGER CITIES.—Hershberger's trial at Fort Scott was a test case. His conviction resulted in cleaning out illegitimate liquor selling in that city. Of the trial the *Monitor* of June 23d, said: "The interest in the trial of Mr. Hershberger yesterday, was something unusual in our courts."

At Emporia, Mr. Pfefferle was the victim. His first trial resulted in acquittal, though the evidence was clear. He was immediately arrested on two other charges. He plead guilty, paid a fine of \$100 and all costs, and promised to keep open house and obey the law.

Parsons cleaned the city by the trial and conviction of one man.

Leavenworth has had several cases, and though they have not convicted anybody,



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they have improved so far as that they have abandoned the practice of mobbing complaining witnesses.

No cases reported from Atchison.

Lawrence has had two trials and no convictions.

Topeka has convicted Boutell *et al.* (three persons); Baur and Batchelor, and Zimmerman. The first two trials in Topeka resulted in acquittals.—*Daily Capital, Topeka, July 25.*

Letter of Gov. St. John on the Success of the Law.

TOPEKA, KANS., July 13, 1881.

J. O. BRAYMAN (*Standard office*), Chicago, Ills:

My Dear Sir—Your letter of the 11th inst. has just been received. It matters not what rumors to the contrary may be put in circulation by the whisky ring, prohibition in this state is a success. While it is true that in places like Leavenworth, Atchison, Topeka and Dodge City, the law has been disregarded, yet it is equally true that there are hundreds of towns and rural districts throughout the state where the law is honestly obeyed and enforced, and those who trample the law under foot in the places last named will in due time be brought to a realization that their power for evil is not so great as the power of the people for good. We have already succeeded in convicting two of the leaders in Topeka, and other prosecutions are now under way which we have no doubt will result in convictions; in fact, the backbone of the whisky rebellion is greatly weakened at this place, and I think it will soon be broken. Law-breakers in Leavenworth are also being prosecuted, and preparations are being made to bring them to justice in Atchison.

The great mistake that many make about prohibition in its relation to the traffic in intoxicating liquors is to expect that it will have the effect of entirely suppressing the use of intoxicating liquors as a beverage; all our criminal laws are prohibitory; we prohibit larceny, murder, arson, and all other crimes, yet we have murderers, horse-thieves and incendiaries, but we would think it very strange if it should be claimed that the laws prohibiting these crimes were failures simply because they are violated. I have yet to hear the first person declare the law prohibiting an assault with intent to kill a failure because Guiteau had violated it by his attempt upon the life of the President.

You must bear in mind that the people of Kansas to-day are contending against the whisky rings of this nation. We are not fighting alone the rum power in this state, but the friends of free whisky in Chicago, St. Louis, Milwaukee and many other cities outside of Kansas are using large sums of money in Kansas to defeat the will of the people.

All kinds of falsehoods are instigated, circulated and published by the enemy to create, if possible, throughout this country a belief that prohibition is a failure; we send back the answer: If it is a failure, why should it make the rum power resort to such desperate and disreputable means for its defeat?

You need have no fear of the final result in this state. Our people are in earnest; they are struggling for the protection of their homes; they know that their cause is just, are determined to do their whole duty, and have full faith that God will give them the victory.

Truly yours,

JOHN P. ST. JOHN.

Pointed Facts.

THE net increase in the earnings of the A., T. & S. F. R. R. for the month of June, 1881, is in round numbers \$438,998 more than it was for the month of June, 1880.

THE population of the penitentiary has fallen off from 714, June 30, 1880, to 650, June 30, 1881.

THE increase in the value of property for taxation, as shown by the assessment rolls of 1881, is \$10,242,611.59.



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The Sentiment of the City of Topeka.

Pursuant to a call signed by over two hundred citizens, a large and enthusiastic mass meeting was held in Topeka, Wednesday, July 20, 1881, at which time the following resolutions were adopted as representing the sentiments of three-fourths of the intelligence, morality and wealth of the city. The meeting was addressed by Governor St. John, ex-Attorney General A. L. Williams, Hon. A. B. Jetmore, Judge Day, Joab Mulvane, Rev. O. J. Cowles, Rev. John D. Knox, Judge W. C. Webb and Rev. Dr. McCabe. The resolutions represent the tone and character of the meeting:

WHEREAS, The liquor power, in addition to its long list of atrocious offenses against society, has now reached the climax of crime by attempting to strike down the law of the state, and to place in its stead the will of a handful of persons who recognize no rule of action but their own mercenary interests;

WHEREAS, The right to violate and nullify one law, at the pleasure of the law-breaker, logically implies the right to violate and nullify any law, and all laws, and so leads inevitably to anarchy, and to the breaking down of all safeguards that surround the property and persons and lives of our citizens; and,

WHEREAS, All citizens, irrespective of party, or creed, or opinion as to the merits of a particular law, are interested equally and alike in maintaining constituted authority, which is the common protector of all, and in resisting anarchy, which is the common enemy and robber of all; therefore,

Resolved, That we, citizens of Topeka, accept without hesitation the issue forced upon us, viz: the sovereignty of the people as against the sovereignty of the liquor dealers and their accomplices in crime.

Second—That in our opinion the temperance law stands, as does every other regularly enacted statute, as the expression of the will of the people—and that the effort to override and defy this law is a deliberate outrage upon the fundamental principle of our free government.

Third—That the effort to violate this law, and to defy its penalties, will be resisted by us with an earnestness and a vigor proportioned to our conviction of the importance of the interests involved.

Fourth—That current events plainly show that the great body of our citizens are in favor of the just and impartial enforcement of law, and that they join with us in assuring all officers charged with the administration of law that we will sustain them, and that in all proper and honorable ways we will assist them in upholding the supremacy of the law of the land.

Fifth—That we brand with indignant denial the calumny that the people of this capital city propose to set an example of rebellion against the legislative, judicial and executive authority of the state, and that we hereby declare to our fellow citizens in all portions of the state, that in our maintenance of law we are governed by a due regard for self-interest and sound policy—by a desire to retain the confidence and respect of those who have treated us so generously in the past—and specially by a solemn conviction of the obligation of loyalty to the commonwealth of Kansas, of which we are a part, and whose seat of government is located here.

Sixth—That in this prosperous community, where the poor and the rich, the laborer and the capitalist, dwell side by side in peace and mutual respect and intelligent co-operation; we do, with one sentiment, abhor and reject the recent utterances that contain the essence of communism and anarchy—the doctrine that property is robbery being the natural ally of the doctrine that government is tyranny.

Seventh—That, impelled by our regard for the peace and prosperity and the fair name of our city; by our interest in the material, intellectual and moral growth of our community; by love for our homes, and those who dwell in them; by patriotic devotion to our republican government, the corner stone of which is, the will of the people expressed in the form of law, it is our immovable purpose that LAW SHALL BE ENFORCED, and to the execution of this purpose we pledge "our lives, our fortunes, and our sacred honor."



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