

Temperance history correspondence

Section 9, Pages 241 - 270

This is correspondence sent and received by members of the Kansas State Temperance Union, including Robert Norris, secretary Topeka, Kansas; John Marshall, attorney, Ellsworth, Kansas; and Julian K. Coddington, attorney, Wamego, Kansas. A letter from H. C. Ericsson, sheriff of Wabaunsee County, lists the names of several individuals that have been "seen drinking." Frequent letters are exchanged with George H. Stuessi, an attorney in Pittsburg, Kansas, regarding legal cases involving alcohol in Girard, Kansas. Although Kansas was the first state to adopt a constitutional amendment prohibiting the sale of intoxicating liquors in 1880, the law was largely unenforced.

Date: 1906

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KANSAS
HISTORICAL
SOCIETY



MONROE E. WRIGHT JAMES A. RAY
RAY & WRIGHT
ATTORNEYS-AT-LAW
FOURTH NATIONAL BANK BUILDING PHONE 983
WICHITA, KANSAS

While
a book, Chap, 29 to 31 inclusive, will give you some of the experiences I have had. In view of this experience, and the fact that I enforced the law, in the mountains, it makes me tired to hear one say the law cannot be enforced in a country where you can see a Jack Rabbit for ten miles.

If you will read the instructions which I gave the jury, in State vs Bob Hastie and State vs Mont Gatliff. #6824. Supreme Court record you will get an idea as to how the law was enforced in Sumner while I was on the bench.

You will excuse these references, but I want you to understand, that if I take hold of the business, here that there will be no let up.

Return the book and letter when you are through with them.

I will add that I will undertake the job for \$100.00, per month.

Address me personally on these matters.

Yours truly.

James A. Ray



John Marshall
Attorney at Law

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Winfield, Kansas, March 21st, 1906.

Robert Morris,
Topeka, Kansas.
Dear Sir:-

I went to Wichita yesterday and returned last night. Ray & Wright have commenced an injunction suit at the instigation of a woman whose husband has been in the habit of drinking and spending his money at the defendant's place of business. The husband drank to such an extent, that the wife was compelled to bring an action for divorce. In connection with the injunction suit to close up the place, she has commenced an action for damages. The suit, as you will observe, is not brought for the purpose of enforcing the law, yet it may result in enforcing the law with reference to the one place. At least the woman, if she has been injured, has a right to bring the action and also has a right to institute proceedings to close the place.

From what little investigation I could make on yesterday, I find that the Judge is a politician and a coward, likewise the county attorney. Both of them are fairly honest as honesty goes among politicians. Both of them will respond to public sentiment if it is aroused, neither of them will do anything until public sentiment is aroused. I talked with the county attorney for a couple of hours, but did not talk with the judge. So far as I am able to learn, commercial interest is at the bottom of the sentiment in favor of the violations of the law in Wichita. Men who fail to list their property for taxes are in favor of accepting money from the joints for the purpose of raising the revenue that is necessary to conduct the affairs of the city.

The case was not heard on yesterday. I do not know when it will be heard. It does not look as though the case will be reached this week. I should not have been asked to be prompt in the matter of going on yesterday. It necessitated my paying out money for nothing, unless the information I obtained is something worth while. My expenses were \$3.55 car fare and hotel bills. I am running short of money and unless these people for whom I have paid out money in the way of traveling expenses repay me pretty soon, I will have to appeal to you again. I have paid all my expenses in my various trips and efforts in Arkansas City.

Things are not *ripe* for an effort to be made in Wichita in the court room at the present time. It will result in failure. There is practically no sentiment in favor of the enforcement of the law. I believe that it will be advisable for me to go to Wichita and stay there for a week and find out the real and actual cause for the conditions in that city, and then formulate plans to strike out and remove this cause if possible; and thereby arouse sentiment in favor of the enforcement



John Marshall
Attorney at Law

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of law, and when the sentiment is aroused proceed in the court room.
I believe that if the matter is intelligently taken hold of in Wichita
a successful effort can be made to close up the saloons in that city.
Wichita is bad.

Yours respectfully,

John Marshall

Temperance history correspondence

WASHBURN COLLEGE.

DEPARTMENT OF SOCIOLOGY.
D. M. FISK,
RESIDENCE, 1516 COLLINGS AVENUE.

TOPEKA, KANSAS, Mar. 21st, '06.

My dear Sec'y Norris:

In me, you find a "bird on the wing", which will account for my delayed answer. I am so uncertain a factor, that I would gladly be left out, but if you feel that I can be of some small service to a CAUSE that I am wholly insympathy with, you can assign such trifling service, and I will try to bend my other work so as to do it.

Faithfully Yours,

D. M. Fisk

Yarrow to Tot
promised new Spring
was for May is expected
West Branch Iowa

Mar 21. 1906.

Dear friend.

Thine of March 5. Was
forwarded to me. I hardly
know what to say. I would
love to be at your home. I
expect to be at Pleasant View
Det meeting the 5th & 6 of May.
then wanted to attend Walnut
Creek Det. the following Sat &
Sunday. I will have time to
plan dates to come to Topeka
but no time to make dates
from there to Walnut Creek
Det meeting. and we have
had so much expense this
year (all three of us have had
Surgical Operations) and

She knows what that means to the finances,
and I have not been able to do any thing
since I closed my meetings at Topeka. I
and more than this. (We won't stop for this)
I am afraid I can't give the time I ought to
to the subject but if you can't get someone
else better, I will do the very best I can
and come. May God bless you in your
work is the sincere Prayers of your
true friend and co-worker
Mary Sibbitt
Lots of love to Rella. Any mail sent to
Wichita 237. N. Market, will reach me.



Denver Colo. Mch. 23
NYACK-ON-THE-HUDSON
N. Y.

My Dear Brother Norris,

Yours of Mch 21. at hand, and duly considered. As you accepted my proposition on the basis of one address only and the whole matter of a second address was a pure gratuity on my part out of good feeling for you I am unable to perceive the foundation upon which you base a request that I should help pay for the speaker on the evening of May the 11. I do not feel that I can make the trip for less than the \$150 agreed upon; I paying all my own expenses.

If for any reason, even at this late date, you think it to your interest to cancel the engagement, you are at liberty to do so, provided you do so at once. If you still wish me to come, I will, if agreeable to you, choose as my subject, "The Mission of Christianity to Politics."

If you would like some other subject better, please let me know. I choose this subject thinking it may attract to you meeting some influential people who might not be drawn by a title more distinctly temperance. The matter of the address I feel sure would be satisfactory and helpful to you workers.

Very sincerely yours,

Louis Albert Banks



A. M. Smith,
—DEALER IN—
AGRICULTURAL IMPLEMENTS.
Wagons and Buggies.

Girard, Kansas, 3/23rd 1906

Kans State Temperance Union
Topeka Kans.
Gentlemen.

Replying to yours of 22nd regarding
the expenses of Mr Marshall will say.
That - Our Secretary and Treasurer. was not
present on the night of the meeting - and
our cash collection only amounted to \$5.28
So I paid him \$4.75 myself - and told him I
would send him the \$11.50 when the secretary
and Treasurer allowed the bill - and as
our Treasurer & secretary are so far apart -
it takes quite awhile to arrange this
matter - We expect to meet these expenses
all O.K. and as soon as we get the bills
allowed. We are intending to keep up the
mass temperance meetings once a month -
and if you know a man living near or how
that can get the bill paid us next -
We are making a fight in the city election this
Spring -
Yours truly
A. M. Smith



John Marshall
Attorney at Law

Winfield, Kansas, March 24th, 1906.

Robert Morris,
Topeka, Kansas.

Dear Sir:-

I find in looking over your letter, that perhaps in the former letter written by me today I did not fully reply to one question asked, that is concerning the plan for getting meetings in different places. This county, Cowley, has been pretty well talked to and I doubt if it is advisable to make any very great effort to get an opportunity for me to speak again at any place in this county. In Sumner County, if I can get the pastors of the various churches to meet me on some certain day in Wellington and then arrange for a systematic campaign of agitation, the work of arranging meetings will practically be done. I believe this plan can be made to succeed, even if only one half of the pastors come. At any rate I will undertake to arrange for the meetings in Sumner County and will try to arrange them so as to have the whole bunch over with within a month or less time. If the matter works in Sumner County, then I am ready to go to Wichita and see what can be done. If this meets with the approval of your committee well and good.

If this is the committee that has charge of your affairs, take up with them the matter of my services and take such action as you think advisable. If my work is a success I am willing to devote all my energies to it, if it is not a success I do not want to be squandering money on it. I have written you heretofore concerning my financial situation and you understand what that is.

Yours respectfully,

John Marshall



John Marshall
Attorney at Law

Winfield, Kansas, March 24th, 1906.

Robert Norris,
Topeka, Kansas.

Dear Sir:-

I have your letter of March 22 and 23 and the check for \$19.22. Please write and tell me for what trips this check is given me. I do not know and cannot figure it out. I am a poor book-keeper.

I was in Wellington yesterday and find the situation, so far as the public is concerned, rapidly improving. There is liquor being sold in Wellington. It is not sold openly but is sold under cover, which is quiet an improvement over things a year ago. The law enforcement people think that they will get control of the city council at *this* city election. If they succeed in doing this, it will go a long way towards clearing matters up in that county. If on top of this we get a grand jury for the October term of court, my judgment is that Sumner County will take care of itself from that time on.

Concerning Ray & Wright of Wichita, Ray is not a man of much force. He is a good lawyer. He was judge of the district court in Sumner County, but my judgment is that he is not big enough to carry the fight in Sedgwick County. They will run over him, yet I believe that it will not do to ignore him, and in the matters that he has on hands at the present time we should assist him to the extent of our ability.

I offer these suggestions concerning Sedgwick and Sumner counties, or any other large county into which you may desire to send me, that a meeting be called of all the ministers of the county and that this meeting determine upon a plan of action for the county. This meeting can be composed of not only the ministers but also the presidents of the various Women Christian Temperance Unions and of any others who are deeply interested in the enforcement of the law. They should be called on an invitation extended to each of the persons whom it is desired to have present. At such a meeting arrangements could be made for holding public meetings in the various places in the county. This, in my judgment, would be a great deal better than going into each individual town and there arranging for a meeting and doing such work as could be done. If this meets with your approval it can be tried for Sumner County and see how it works.

On my return from Wellington yesterday I stopped in Mulvane. I saw the two pastors who were in the city at that time and spoke to them about holding a meeting in that place. They agreed to arrange for a meeting in Mulvane in the near future and get the united action of all the churches.

I am in constant communication with the people in Barber County.



John Marshall
Attorney at Law

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Things are improving there very rapidly, in fact, I think that I can say that the situation is under control in both Barber and Sumner counties.

Concerning Sedgwick County, I believe the people of that county can be aroused to demand the enforcement of the law. I believe if ~~is~~ gone at intelligently, conservatively and with determination, that in the course of a year a very decided improvement can be made in that city. No one should expect to make very much of an impression there in less than a year. The first thing that can be done there is to arouse the people of the entire county. After they are thoroughly aroused so that courts and officers must recognize and reckon with this sentiment, is the time to begin proceedings in the court room and not until then. In order to determine just what methods to take in order to arouse this sentiment, some one must take some time and thoroughly investigate conditions and causes in Sedgwick County.

Yours respectfully,

John Marshall



District Vice Presidents.
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S. H. Pitcher, Topeka.

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J. C. Mohler, Topeka.

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The Work of the Union.

1. EDUCATIONAL DEPARTMENT
 - (a) Lecturers employed for field work.
 - (b) Members enrolled in Lincoln Legion Abstinence Union.
2. AGITATION DEPARTMENT
 - (a) The Kansas Issue, a monthly paper of information and inspiration published.
 - (b) General Temperance literature distributed.
 - (c) A large correspondence conducted.
3. LAW ENFORCEMENT DEPT.
 - (a) Legal advice from the ablest lawyers given.
 - (b) Attorneys employed for active field work.
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The Union leans toward no political party—it is entirely non-partisan.

It stands for individual sobriety, public-spirited citizenship, prohibition and its enforcement.

Kansas is its field, the moral well-being of Kansas, its aim, the elevation of humanity, through the example of Kansas, the wider result of its labors.

"THE ONLY SOLUTION OF THE SALOON PROBLEM IS NO SALOON."

GENERAL OFFICE

The Kansas State Temperance Union.

703 JACKSON STREET, TOPEKA.

E. B. COWGILL, President. A. C. PIERCE, Junction City, VicePres. ROBERT NORRIS, Secy. WILLIAM MACFERRAN, Treas.

Make all money orders payable to "State Temperance Union."

TOPEKA, KANSAS, March 26, 1906.

Mrs. W. H. Noll,
Greenleaf, Kansas.
Dear Madam:--

I address you as a friend and correspondent of the Kansas State Temperance Union, asking that you see the ministers of the town and see if you can not arrange a union meeting for Sunday evening, April 15th, to be held in the interests of the Union.

Mr. S. H. Pitcher, a member of our Committee who has been with the Union for more than five years, will address the meeting. He is well acquainted with the active, aggressive work the Union is doing and is well able to give you a good address.

I would write to each one of the ministers separately, but as there are some changes being made I am not certain about who are there and whether I would get all of them or not. So I ask that you see them for us. Mr. Pitcher will also take up a subscription for the work of the State, and if there is any need of work in the Courts in the way of cleaning up joints we will be very glad to take hold of that work also.

Please let us know as soon as possible and we will send some circulars for advertising the meeting.

Thanking you in advance for your kind assistance and awaiting your reply, I am

Very truly yours,

Robert Norris

Dic.--F. R.

Secretary.

*Greenleaf Kan
3/28/06
Mrs W H Noll has moved to
Los Angeles Cal so you had better
write some more. your truly
Jas. G. Noll
Might write Dr E Anderson.*



INFORMATION TO COUNTY ATTORNEY.

Now on this 27th day of March, 1906,
comes Rev Howard I. Miller and gives notice
to the County Attorney of Atchison County, Kansas,
that M. I. Waldren and others of the County of
Atchison, said State, is guilty of a violation of
the prohibitory liquor law of the State of Kansas. That the
said M. I. Waldren and others has been and is
now maintaining a nuisance in a certain hotel
building on Mountain Ave Street, in the City of Arrington
Town, County of Atchison, State of Kansas.
And your informant, Rev Howard I. Miller,
has reason to believe that the following named persons, to-wit:
Henry Montgomery, P. H. Cawley, J. H. Best, Sam'l Ernest, Charls
Shifflet, Chas. Kemp, Harlin Butts, J. D. McNeese, Rob G. Hass,
A. J. Peterson, Al Hetlick, Frank Moore, John Cawley, A. B. Evans,
Geo. Ernest, Ed. L. Kathrens, Will Medlock,

have some knowledge of such violation, and your informant asks
that such persons be subpoenaed to be and appear before the
County Attorney of the said County of Atchison,
said State, then and there to testify concerning any violations
of the prohibitory liquor law and of section 101 of the General
Statutes of Kansas of 1897, as amended by the Act of 1901.

Signed:

Rev Howard I. Miller

Attorney and Counselor at Law Collection Public Fire and Tornado Insurance Aetna Life Insurance

Law Office of
W. Clyde Wolfe
Ellsworth, Kansas Mar 28 '06

Dear Friend Coddin;

Yours at hand - Gent lets
April 24" expect you - Temporary
hearings come up then - also Smith/Kauf/
cases - Please get after those Leavenworth
witnesses I wrote you about in Smith case
we must have depositions and of course
must soon get at it - Please look up
my letter and get after that thing at once.
Yours W. Clyde Wolfe -



RESIDENT AGENT
HARTFORD FIRE INSURANCE CO.
INCORPORATED 1810.
LOSSES PAID \$90,000,000.00.

Alford

Office of
N. Coover,
Insurance.

Wilson, Kan. *Mar. 30,* 1906.

J. K. Coddery, Esq.

Dear Sir: Under the City ordinance we arrested and convicted John Herink of the illegal sale of intoxicating liquors. We got an injunction on John at the October term of Court. My main witnesses are moving out of town the beginning of next week and are going to Omaha. Lloyd appealed Herink's case to the District Court. What would you do. Would you hold these witnesses here a young man and his father and how would you do it for would you take the evidence by putting the Police Judge on the stand and one or two citizens and take him under the injunction and dismiss the City case? I am undecided in the matter.

My opinion is that as this complaining witness and John Herink had trouble that a jury will hardly convict as they will justify themselves on the ground that he made complaint to get revenge. I would say that one of the witnesses going to Omaha is the



RESIDENT AGENT
HARTFORD FIRE INSURANCE CO.
INCORPORATED 1810.
LOSSES PAID \$90,000,000.00.

Office of

N. Coover,
Insurance.

Wilson, Kan. 190

Complaining witness. I hope you will
get this in time to answer at once as
these parties will leave Monday or Tues-
day next.

Yours truly
N. Coover.



John Marshall
Attorney at Law

Winfield, Kansas, March 31st, 1906

Robert Norris,
Topeka, Kansas.

Dear Sir:-

I have your favor of March 28th and am pleased at the action of your committee. My duties as city attorney, outside of the matter of looking after the joints, does not take a great amount of my time. It rarely ever takes more than two days in the week to attend to the regular city business. The council meets on Monday nights. I am required to meet with them. This, of course, necessitates my being here on Mondays ordinarily. I think the joint business in this city can be so arranged that it can be looked after on the occasions when I must of necessity be at home. A part of the work of the Union must be done in the office. When I wrote you that I would not desert the people of this city, it was the joint situation that I had reference to.

I think I can take subscriptions in night meetings and on Sundays that will more than pay the \$100.00 salary and expenses, such at least will be my intention. If I fail in this, I think I will fall short of doing what I should do.

A meeting of the pastors of Wellington will be held on next Monday at which time they will call a meeting of all the pastors of Sumner County. I have asked them to call this meeting for the last of next week. It is my intention to meet with them and there formulate the plans by which Sumner County can be thoroughly organized in a short time. I want the Sumner County work completed by the first of May to such an extent that it will not require any more of our attention. We will have cases in Sumner County and in Barber County to look after during the early part of the month of May.

Yours respectfully,

John Marshall



GEO. H. STUESSI
ATTORNEY-AT-LAW
208 1-4 N. BROADWAY
PITTSBURG, KANSAS

HOME PHONE 336
NOTARY IN OFFICE

May 26, 1906.

Mr. J. K. Coddling,
Room 18, Real Estate Building,
Topeka, Kansas.

My dear Coddling:- Your brief letter duly received. You seem to have misunderstood me regarding briefs. I wanted plaintiff in error's brief, in State vs. Estep. I already have the brief in State vs. Crilly.

Coleman has been a little slower for the last few days, and I have heard nothing concerning the Mandamus suit. Yesterday, however, I sent him a full-fledged information containing fifteen counts for selling and a nuisance count, asking him to join me in this prosecution. I had ~~presented~~ it to the clerk for filing, and asked him to issue a warrant thereon; but after advising with his attorneys all day, and thus permitting all these saloons to smell what was in the wind, and giving them a chance to move out their surplus stock, he finally turned me down flat. He did not even ask whether Coleman had joined me as he had in the information for disobeying my subpoena, though he probably understood that Coleman had not done so. Before his final decision, John Campbell, one of the saloonists' attorneys, whom Woodbury was advising, proposed that I proceed to arrest the jointists and seize ~~all~~ liquors in whatever shape or form, but that I should not insist on seizing the valuable bar fixtures, etc. I informed him that I might fail altogether in getting anything, but I certainly would not accept any half-way proposition which was a mere compromise. I could probably have secured a warrant if I had not charged the maintainance of a nuisance; but what is the use to let the stuff go untouched, when Coleman might just as well join with me and make the fight really effective. I put it up to him in such a way that I cannot see how he will refuse. As soon as I hear favorably, I will inclose him another of a trifle less than a hundred counts. Don't you think under the circumstances, that I am doing the right thing to push this up to Coleman? Though I would not be surprised if he ~~refused~~ to issue a search and seizure warrant even on ~~the~~ information in which Coleman had joined me. I would like to get Coleman thoroughly aroused, and you can rest assured that Dunlavey will put the County Attorney proposition up to him within a short time, and I am drawing up the papers now which are to be presented to the County Attorney for action.

Fuller has not yet ruled on defendant's motion to quash the information for disobeying subpoena, but in order to put an end to any further attempts at an inquisition, he will find some excuse to sustain the motion.

Keep after Coleman and I will do likewise, and if we get him thoroughly aroused these politicians will continue to learn things.

I have examined your letter and brief to McCamish, a copy which you gave me some time ago, in regard to the issuance of warrants; and I make these warrants to read that defendant "shall be brought before the judge of the district court", whether court is in session or not, Fuller always being in the county. I also have the warrants state that defendant's appearance shall be "at this term of court" instead of "on the first day of the next term", as it seems that defendant is triable at the term of court during which he was arrested. Am I right in these assumptions?

I have used up most of the ~~briefs~~ ^{flank} of the "page 2 information" containing four counts each, and as they are very convenient, I wish



GEO. H. STUESSI
ATTORNEY-AT-LAW
505 1-2 N. BROADWAY
PITTSBURG, KANSAS

HOME PHONE 380
NOTARY IN OFFICE

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you would send me a good supply of them.

Please let me hear from you immediately, as I want your advise in regard to taking up these matters with Coleman as I have done, and whether there is any likelihood that I am unduly pressing him.

Yours very truly,

Geo. H. Stuessi

Dear Friend:
It is O.K.
For you to send
overman. We will feel
him and hope that he will
give
Am sending \$1000
as per request.
Yours truly
John W. Kelly
Severely



GEO. H. STUESSI
ATTORNEY-AT-LAW
202 1-2 N. BROADWAY
PITTSBURG, KANSAS

HOME PHONE 336
NOTARY IN OFFICE

May 22, 1906.

J. K. Coddling,
Room No. 16, Real Estate Bldg.,
Topeka, Kansas.

Dear Sir:-Your letter of May 19th at hand. Yes it was a mistake in saying that you had requested Mikesell to come instead of Coleman. One reason I requested Coleman to direct Mikesell was, that I wanted him to begin to appreciate that he, Coleman, should get mixed up here, as well as in Wyandotte County, and also I felt that he would perhaps provide for Mikesell's expenses. It seems, however, that he said nothing to Mikesell concerning his expenses, and Mikesell himself did not know who was to pay them. I have written Coleman, therefore, in that regard. I assured Mikesell, however, that if Coleman did not fix matters, that the State Temperance Union would. Long handed Mikesell \$5.00 just before he left.

We argued the motion to quash most of the day, Mikesell making the principal argument for us. They have raised every question imaginable, and even ~~tended~~ seriously to question Coleman's right to prosecute generally in the counties without an express request from the governor. It was taken under advisement. Boaz insists that inasmuch as Sect. 2472 of the Gen. St. of 1901 makes no reference to any other officer but the County Attorney, that it is one of the essential elements of the offense to be committed before the County Attorney and not before any of the officers. Of course, this is far-fetched, but it is hard to say what Fuller will do. In any event, I have sufficient evidence to begin a few prosecutions.

Coleman suggested to me that I had better not run counter to the opinion of the Court at this time, and should not, therefore, include a nuisance count in any information; but I think I will put that proposition up to the Court any-how, if I can get the clerk to issue a search and seizure warrant; then if the clerk refused to issue a search and seizure warrant or if the Court discharges the stuff, I am going to ask Coleman to join with me in the next information so that I can maintain a search and seizure. I have already suggested this to him, and I can not see what objection he would have to join with me. One thing certain, a search and seizure will be the hardest blow that we could deliver, and if Coleman is sincere he will certainly not refuse to join with me.

Please write me fully regarding all suggestions, as I fear I shall have to be more dependent on you than on Marshall. Marshall seems to be very busy, and on the 18th inst. he wrote me that he was swamped with work, and that he had been out of the office continually since May 7th. He was to draw up a journal entry several weeks ago in the injunction case which I am carrying up, but he has not yet done so. Further he says that he will gladly assist me in any prosecutions over here, but that the State Temperance Union must assure all of his expenses, and he suggested that the State Temperance Union is not in the best shape financially. These things are somewhat discouraging to me, because I thought that I could rely very heavily on Marshall. I am certainly dependent upon his assistance in any criminal prosecution that I may institute, because he himself suggested and encouraged it.

I have never seen the brief of plaintiff in error in the State vs. Estep. The only one you left with me was the one in State vs. Grilly. The defense insists on delaying the hearing on the witness action, and as court is now in session, Fuller refuses to set it down for any definite date, so that it can only be taken up on some motion day when these fellows can not successfully inject something else to take up the time. Under the circumstances I can hardly tell a day ahead when I can force a hearing, and I think probably I had best force a hearing at the



GEO. H. STUESSI
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earliest possible moment, and not argue our side at all, but ask for permission to file brief. What do you think of this?

Are you still of the notion that the County Attorney matter can be put up to Coleman, in such a way that he can not refuse? If these people here take the necessary preliminary steps? The Civic League will soon do it's part here in that respect, if Coleman will act.

I trust our Mandamus suit was well taken care of today. In the case that I am taking to the supreme court, there may be some mistakes made as I am not getting any assistance such as I should have, and I have been worrying for two weeks over the petition in error, as I will have to largely ~~depend~~ ^{draw} upon my own imagination. I have been neglecting filing this in the supreme court simply because I can not find time to draw up the petition, and it will take me ten times as long as it would Mikesell or Marshall who have been through the mill frequently.

Please let me hear from you at your earliest convenience, and oblige.

Very truly yours,

Geo. H. Stuessi



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May 17, 1906.

J. K. Coddling,
No. 16 Real Estate Building,
Topeka, Kansas.

Dear Friend:--Have you plaintiff in error's brief in State vs. Estep? I may make use of it in the "citizens" case. I wrote the clerk of the Supreme Court, but he sent me the brief of defendant in error only, and said that they did not have plaintiff's brief. I desire to show by this brief, (as per a suggestion in one of your briefs which I have) that an injunction to suppress a legal nuisance could not be made under section 253 of the code, as this same contention was made in the State vs. Estep.

Coleman has joined me in one information against a fellow, for disobedience of subpoena, and I have mailed him a second one to sign. Defendant filed a motion to quash Monday, and it was attempted to have me to argue this motion immediately, however, I succeeded in delaying it until Saturday, at which time Mikesell will probably assist me, as Coddling requested him to do. I think I stated before that their motion to dismiss the citizens case, will also be heard on Saturday if it can be reached. *fall*

I am having considerable difficulty in inducing witnesses to appear before me, and I have done practically nothing for two weeks but work at this inquisition. My subpoenas have been issued as "forthwith" subpoenas. This has made it difficult for the Sheriff to serve them, as he must see the witnesses personally, and as I have repeatedly instructed him to maintain all secrecy, and not permit anyone to know that he was after such witness. But at least seven or eight have failed, neglected, and refused to come in. Some prominent business men are taking the matter very much to heart, and are begging off, as down on the ground that it will seriously cripple their business or social standing, then they fear that it will disgrace them, to have their families know that they have frequented these places. Some discretion must be used, but I hardly know where to draw the line. John Curran has advised two of his clients--prominent men--to pay a fine under their circumstances rather than testify. I fear I shall have to proceed against even these men, otherwise, other business men will in some way learn of it, and demand equal remuneration. *immunity*

These fellows are certainly stirred up about this inquisition. They don't know where the lightning is going to strike.

I have not heard from you respecting my other letter. It was very evident Monday in Court that the Attorneys for the defense were going to extreme in trying to make my position appear ridiculous, and make laughing stock of me. They do not act that way when I have assistance in Court.

Coleman has been very prompt in his correspondence. He stated, however, in answer to my suggestion, that he should not attempt to run counter to the opinion of the Court, meaning thereby that he should confine my prosecution for illegal sales, and omit a count for maintaining a nuisance, but I feel like putting it up to the Court anyhow, if I can induce the clerk to issue such a warrant.

Concerning the Mandamus suit against Woodbury, I trust you can in some way see to it that it will not be permitted to slide, although the Attorney General has written me, and insists that the understanding was, when defendant's time for answering was extended, that defendant should file such answer in which, upon our demurrer, the whole question of my authority could be raised.

Temperance history correspondence

Everything is O.K. with us here
we are trying to work out some
dates for meetings.

Marshall got a conviction
Hobbs on one count.

Come down about Tuesday if you
can but don't let anything spoil to do so
Norris.



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Mr. Long here is always more or less ready to quit and leave, although he insists when we put it up to him, that he will never ~~lie~~ ^{lie} down. Just now he is involved in a hard struggle (at least he makes it so) to prevent the administration from making his part of the town the red light district, and he insists that if he is not successful, that he may soon remove from the city. I tell you Coddling that a few more men should be forced to take hold of this fight, as ~~it is~~ ^{it is} absolutely no assistance to speak of except Dunlavey, and from Long when he is in good humor.

Very truly yours,

*Just look what a time I have trying
to break in a green stenographer - with
not even a good common school
education.*

Geo H Stuessi



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April 19th, 1908.

Mr. J. K. Coddington,
Topeka, Kansas.

Dear Sir:-

Your short note received. The means employed here in delay in these matters overtax my patience. I wish you would take time to answer my long letter fully. I am going to Girard now, and I fear Fuller will overrule defendants demurrers and still hold that they have not waived objections to my authority to institute these actions, and that the effect will be that these twenty-five cases will all go over until the next term of court in Girard in October, and that if I get to the Supreme Court at all, at this time, I will have to go up on the overruling of the motion for a rehearing. Boaz insists that this can be done.

If Fuller sustains their demurrers, I have a stipulation that the other twenty-four cases shall be continued on the docket until ruling of the Supreme Court in the one case. Marshall will assist me in preparing this case for the Supreme Court.

I wish you would send me the files in one of the Supreme Court cases, as you promised, showing Petition in Error, Transcript of Record, Assignment of Error and Brief. It would assist me very much.

April 20th.

Fuller overruled defts. demurrers but only in one case, but will overrule balance before end of Girard term. I am figuring with Marshall to go up on motion for rehearing, but he also is so busy, and to tell the truth advising by correspondence has proven very unsatisfactory. Very truly yours, Geo. H. Stuessi



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April 10th, 1908.

Mr. J. K. Coddington,
Topeka, Kansas.

Dear Sir:-

While things are fresh in my mind I will give you the status of matters here. Mr. Marshall met me in Girard Monday noon, and we agreed that it was useless to argue demurrers, especially since Boaz stated that the only question they desired to raise therein was the one the court had already passed on. They simply demur on the ground that petitions do not state facts sufficient to constitute a cause of action. As the court was taking up criminal matters he stated that he could not listen to argument on demurrers on that day. Our intention was simply to let the court pass on the demurrers, and, if he sustained them, preparing our record for the supreme court. But Marshall, upon arriving on the scene, took but a glance at the demurrers and it was immediately suggested to him that the demurrers did not raise the question of my authority at all, and that the filing of them amounted to a general appearance by defendants by which they waived the irregularity, and particularly this question, and submitted themselves to the jurisdiction of the court. We debated, however, whether it would be advisable to raise these objections, because I warned Marshall that the court would probably take advantage and further delay ruling. Marshall finally concluded that we might as well raise it, which he did by a few brief suggestions, which, however, went so directly to the point that it startled the other side and the Judge looked sick. Boaz was not present, but Gaitskill made a few weak remarks in rebuttal, and the court, if anything, indicated that Marshall was probably correct. The court, however, wanted to hear from Boaz and so further hearing was postponed until they disposed of criminal matters, or the last of the week.

Marshall assumed that he was to assist me only in so far as the actual work in court was concerned in Girard, and expected therefore to leave immediately thereafter for home. But I suggested that he could be of considerable assistance to me here in Pittsburg, if he would come down, both by way of better preparation supporting our theory as to the effect of these demurrers, and as to practical suggestions in view of the fact that I was about to institute proceedings on behalf of a citizen. Consequently, he has been with me all day and his presence has certainly been an inspiration and help to me. He prepared a six page brief and argument on the effect of these demurrers. And it seems, from the investigation and thought that he gave the matter, and after a full investigation yesterday evening and this morning, that we should be in a splendid position to expect the court to overrule these demurrers, and ruling that defense has now waived its objection to my authority to institute. The most serious objection, from Mr. Marshall's view, is, that whatever proposition we advance we are carried right back to the original question of the extent of my power; and that this will involve a determination of the question whether I had any power at all to bring the State in as a party plaintiff, and the ultimate question whether the court could render a valid judgment in these actions even if the defense would be considered to have waived the question of my authority.



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I wish very much that Marshall could be here when these demurrers are again called up, as Boaz will probably want to argue them at length. However, I shall probably not argue them orally but let Marshall's brief sustain our position. I have more confidence in Marshall than ever before, and I think he created a very weighty impression with the court and attorneys yesterday. Naturally they all know what Marshall is accomplishing, and this with the fact that he is an experienced lawyer would only command respect and attention where none would be given to me.

I knew he didn't conceive the extreme conditions here in this county, but I think, from what I have told him, and from his lengthy conversation with Curran, that he appreciates some of the obstacles to be met with here and the exaggerated conditions. But in spite of all this, he insists that I should begin, say, two or three prosecutions for ~~filling~~ on about twenty counts against each. He doesn't seem to have any hesitancy but that convictions may be obtained, and he is more than willing to participate in the real fight in such prosecutions. Since talking with him I am not averse to instituting two of three actions of this kind, and if you think it advisable I shall not delay matters longer than necessary; But I shall want Marshall to assist me in such trial~~s~~. I do not know just what expense you are put to on Marshall's account, but I have so much faith in his ability to secure convictions here that I trust this matter can be arranged.

I shall probably not be ready to institute these actions until after the court hears these demurrers the last of the week. So, also, I do not care to file any "citizen" actions until after his ruling on the demurrers; and if he should overrule demurrers, and there is a possibility of getting temporary injunctions upon a renewal of our application~~s~~, I shall probably postpone "citizen" actions indefinitely. The question naturally suggests itself whether in such event the court will permit me to renew applications for temporary injunctions, or whether I am doomed to wait for final hearing. Marshall and I have talked this over somewhat and he is inclined to think that in this event I should file a new application in which I make the necessary allegations, bringing the essential allegations in my petition down to date, and filing new affidavits in support; and he has dictated what he regards as the form of application to meet these requirements. However, you can easily imagine that a renewal of application~~s~~ would precipitate a good scrap. I was hoping that in the event of the court overruling these demurrers that they would be given a very limited time to answer, and that the cases would still be at issue this term. But Marshall says that we cannot hope for this, especially as the term is short. So unless we could force an issue by renewing applications for temporary injunction, our question raised on these demurrers would simply put all these matters over until next Girard term in October, and ~~this~~ would be worse than if the court had sustained demurrers and permitted us to get into the supreme court at an early date.

Marshall requested that I explain to you his remaining over today. I do not think that Dunlavy has arranged with Marshall about his expenses though I presume that you will take care of that. Please write me immediately, if possible, and definitely in regard to all suggestions herein and especially as to the advisability of instituting a criminal prosecution for "selling" and whether I can depend on Marshall's presence to assist me in such event.

Very sincerely yours, *Geo. H. Stuessi*



Meade Kansas April 4th, 1906

Robert Norris, Secty.
Topeka, Kansas.

Dear Sir:-

I am recently in receipt of the enclosed letter, and not being in a position to undertake the work, therein called for, I have concluded to refer it to the Union. Some time ago, I met a gentleman from Claflin, a Justice of the Peace, by the way, who seemed very earnestly to desire that something be done. A little later I received a letter from a Mr. Fredrick, the father of the writer of the enclosed letter which contained the information that the Methodist minister had already collected some money for the support of a campaign against the joints at that place and requesting that I come there straight way.

I did not go and today am answering these calls along the lines herein-after noted. A Mr. Fredrick, brother to Mrs. Mc.Nutt, who is a resident of this county, and a gentleman of good character informed me yesterday that there would be no trouble in a financial way in undertaking the work at Claflin. I say in my letter to Mrs. M. that I have written to you and referred the matter to your bureau, recommending the retention of Senator Coddington, and offering to assist him in the work of closing the joints there. You will probably have an early letter from her.

I am very anxious to get the facts and the opinion based thereon, in the Dakota case, before Judge Phillips, of the U.S. circuit court, involving the construction of the Federal whiskey tax.

It is the case where he held that the collection by the carrier ~~was~~ of the purchase price at the point of delivery was a violation of the law, making the express agent a retail dealer etc. I want this matter for use in prosecutions here and else-where and in connection with my assignment before your Convention May 11th. Very kindly put me in a way to get it, as soon as possible.

Rosa N. Rhodes will be in attendance at the State Convention to respond to her assignment and thanks you for your partiality thus shown.

At Fowler, an unincorporated town 11 miles east of here and right in the heart of the Alfalfa belt, ^{they} desire the services of a *detective*



to ferret out and bring to justice some boot-leggers and gamblers .

I am directed to procure one for this purpose, Through your Union, and hence this application. It may take some little time to work this matter out. It will require some one who can adapt himself to these practices and fellows. ¹⁰⁰ Ten dollars per day at least and reasonable expenses will be paid, and additional compensation for convictions.

If you have any one filling the bill send him to me at once with suitable credentials and I will put him at work.

Very Truly Yours.

R. W. Griggs