

Temperance history correspondence

Section 8, Pages 211 - 240

Correspondence sent and received by members of the Kansas State Temperance Union, including President Foster Dwight Coburn and Superintendent Frank M. Stahl. Correspondents include Mary Evelyn Dobbs, corresponding secretary for the Kansas Woman's Christian Temperance Union, Julian K. Coddington, warden of the Kansas State Penitentiary, and representatives of the Anti-Saloon League of America. Much of the correspondence concerns efforts to advance anti-liquor agendas in local, state, and national politics. Although Kansas was the first state to adopt a constitutional amendment prohibiting the sale of intoxicating liquors in 1880, the law was largely unenforced.

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KANSAS
HISTORICAL
SOCIETY



actual aggressive work than any
other one man in the Union—
and that was a financial loss.
Any time I went after them
for I had to stop collecting—
Well I will close— but before I
do I want to tell you I have
been feeling very poorly— for the
past week almost blown
with kidney trouble— I am
feeling much better today I am
helping get evidence at Hutchinson
and if I still feel better in
morning— I will start out to
advance the skirmish line and
perhaps take one other fort— with
love and best wishes— I am your
Bro and Comrad. W. J. Sprague
(adds Hutchinson Kansas)



"I"

Wichita, Kansas.

6/ 8/10

Dear Bro; _____

My expense check came to hand today . Walter went to Andale yesterday nothing doing our raid here has cleaned that catholic town and all reports of the past are back numbers and of course we are very glad of that.

He went to Harper today and if he does as well there as in the past he will put that town in shape in a very short time. as you know the council has offered \$50 for evry conviction and if we can work it for them it will be no expense to us, Walter has not been a bill of expence to us yet and I hope all goes well with him in the future.

We caught Kinsaders again this week also another man in same place ,They are the people that skiped bond from police court and the sent in \$15,000 there was an injunction on their place of business and we are holding all three of them for contempt.

(As to Topeka we hear many bad reports from there dont know how much of it is true.

With your assistance w, could work that fine.

Dontsend anyonet to Caney but hold for later date if possible.

When you write again tell me whether W, can go to Ark City or not.

Davis



June 14, 1910.

Rev. H. T. Davis,

1135 Jackson Avenue,

Wichita, Kansas.

My dear Davis:--

Your report came to hand this morning and it is very satisfactory indeed. At the same time I say "It ain't fair". My day Sunday was fairly good. My places were all country appointments, small churches, and I got \$27.00, \$24.00 in cash, which was an extraordinary affair for me. I received a card from Smith. He got \$44.00 in pledges, \$26.00 of which was cash. Zumwalt had four appointments. I got a card from him this morning saying that he got \$44.00 in one of his meetings, so I am expecting a pretty good report when he comes in.

In regard to W. C., I am anxious that he get to Florence as quickly as he can consistent with the work he has on hands at the present time, and in the near future I want that job done here in Topeka that we were talking about. The thing is getting riper and easier every day, and I feel sure that the same kind of a job can be done here that was done in Wichita.

Enclosed you will find check for expense money as returned in your report. I am glad indeed, Bro. Davis, that you have the ability and the will to push things for the State Temperance Union, and I feel surer all the time that no mistake was made when you took the position that you now hold. I am sure you are earning your money and more and only wish that the finances of the State Temperance Union were in shape to do what I would like. I have a strong hope that when October comes we will have a clean balance sheet to show to the Convention and a set of books square up to date. If I thought it was necessary I would say, "Keep up your courage", but judging by the past you will stay with the work you are engaged in until victory crowns our efforts or the river is crossed.

Lovingly yours,

FMS/ER.

Superintendent.



37-38 Chamber of Commerce Bldg.,
Nashville, Tennessee,
June 8, 1910.

Dear Sir and Brother:

After the successful culmination of more than a quarter century of warfare against the liquor traffic in Tennessee, the prolific source of suffering and crime, it seems fitting that a day be designated when the liberty-loving people can join in celebrating the anniversary of the passing of the legalized liquor traffic from the State.

On July 1, 1909, Tennessee dissolved partnership with the greatest evil that ever cursed a State or Nation. In order, therefore, that those who have so earnestly prayed and worked for this emancipation may fittingly observe the day, we the Anti-Saloon League and the Woman's Christian Temperance Union, join in a request that Sunday, July 3, 1910, be observed throughout the State as the Anniversary of the passing of the legalized saloon. We request that the pastors of the various churches take the lead in arranging for suitable services to be held in their churches or communities on that day. The pastors and churches have been the chief molders of public sentiment. They responded to the appeals of our organizations most nobly in bringing about this great deliverance. We come again and ask you for your continued co-operation, that our victory may be made complete. We trust that as many of the pastors as can will preach on the subject of law enforcement. Our victory can be made complete only by a more rigid enforcement of the laws. Let the day be one at least of prayer and thanksgiving for the great victory that has been attained at so great a cost.

Let the day also be a rally day, when the friends of our cause will pledge themselves anew and prepare to meet the enemy of the now outlawed liquor traffic in their deep-laid plot to repeal the prohibition laws of our State. There is a conspiracy on the part of many officials, high and low, in the State, to allow the criminal liquor dealers to nullify the law, in the hope that it will create a demand for its repeal. We need to call the attention of our friends to the fact that the lax enforcement of the prohibition laws and the reign of lawlessness that now exists in the State are due to officials who are in league with, and owe their political existence to, the outlawed saloon. And, instead of surrendering to or compromising with this conspiracy of liquorites and official grafters, we will continue the war and make the victory complete by driving from office these conspirators.

Let the moral warfare continue in the old Volunteer State until anarchy is dethroned and law and order restored, and then there will be peace.

We would be glad if the pastors and friends would write us, indicating the kind of services they will hold.

Yours for law enforcement,

SILENA M. HOLMAN, President,
Tennessee W. C. T. U.
W. R. HAMILTON, Superintendent,
Tennessee Anti-Saloon League.

The Prohibition Question and the Distempered Times in Tennessee

— BY —
SILENA M. HOLMAN
PRESIDENT TENNESSEE W. C. T. U.

The point has recently been made that the prohibition question is the cause of all the trouble that now seems to be rending our State asunder. This is not true. There are many other live questions today disturbing the peace of our State, dividing neighborhoods, bringing strife into families and separating life-long friends, and these are indeed the chief factors of disturbance, rather than the prohibition question.

Some of these questions have been a disturbing factor in the politics of the State for a number of years past, growing in intensity, as live questions have a way of doing, until the whole State has been compelled to "sit up and take notice." Others of these questions were precipitated in the gubernatorial race between Mr. Patterson and Mr. Cox, and continued in the race between Mr. Patterson and Mr. Carmack.

A Growth of Years.

Our prohibition law is a law of more than forty years' growth. It began at the first meeting of our legislature after the Civil War, and

was extended by other legislatures from time to time until the saloon had been driven from the entire State, except from our three largest cities, and one small mining town. It was outlawed in these four places in January, 1909, more than forty years after the first law was passed.

The question naturally arises, why should this thing that has been a live question in the State for more than forty years, cause so much greater disturbance now than at any previous period of its growth?

The Governor to Blame.

I will tell you. It is because, for the first time in the history of our State, we have a Governor in the chair who stood against the will of the people, determined that they should not have the law.

I want to say that never once in my public work have I, or any of my speakers, spoken otherwise than most respectfully of our governor. He is our governor and we have tried to treat him with the respect the governor of a great State ought to have. And in what I am saying now, I want to present it in the most respectful way possible.

When that drastic law, prohibiting the sale of liquor within four miles of a school house, public or private, incorporated or unincorporated, outside of our incorporated towns, was passed, without a vote having been taken on the subject, if we had had a governor who fought the passage of the bill, who vetoed it when passed, who not only would do nothing towards its enforcement, but would pardon every man who was convicted of its violation,

Governor Patterson Attempts to De- ceive Again

By W. R. HAMILTON
Superintendent Tennessee Anti-Saloon League

Governor Patterson in his announcement as a third-term candidate for governor, seeks to lay upon the passage of the prohibition laws the responsibility for all the disorder, lawlessness and political turmoil that now disturb the people of the State. He arrogantly refers to his former position and to his veto of the prohibition laws. He charges that they have lowered the standard of morals, diminished the revenues of the State; that they were passed contrary to the people's will and are consequently a failure, and that he favors their repeal. All of which is a deliberate attempt to deceive the people again and shift the responsibility for the lax enforcement of the laws from the shoulders of officials who have deliberately refused to attempt to enforce them, the governor himself being chief among them. Had Tennessee a governor who recognized the people's rights to express their will through the law-making power of the State, and who would not sacrifice all that is good for the sake

of the saloon and the liquor power, we would not now have the political turmoil to which he refers. But the people are not going to be deceived by Governor Patterson again.

The Champion of the Liquor Interests.

When the champion and spokesman of the liquor interests of the State bases his excuse for favoring a repeal of the temperance laws on the ground that those engaged in the traffic will not obey the law and that it can not be enforced, we agree with him in one thing, that it is time for "plain speech" and statements of facts and conditions.

The governor seems to wantonly misrepresent the facts when he claims that the prohibition laws as applied to all parts of the State, outside of Memphis, Nashville, Chattanooga and LaFollette, were passed by a vote or with the consent of the people in the various towns and communities. We state, without fear of successful contradiction, that more than three-fourths of the territory of the State was made dry without consulting the people affected thereby. He says that no law can be enforced against the popular will, of course meaning the will of the local communities. May we ask then why he called out the State militia to enforce the law against the Reelfoot Lake night riders? Is not the federal government passing and enforcing laws every year without the consent of the people? Does not the State of Tennessee at every session of its legislature pass laws, which are enforced, without asking the consent of the people to be affected thereby? We cite only one instance, a law which he approved and has had enforced: House Bill No.

91, Chapter 68 of the Acts of 1907; a law to control and regulate the shipping and handling of infected cattle. The law provides a penalty of from \$100 to \$5,000 and imprisonment for shipping such cattle into the State. The law further provides for county live stock inspectors, who are permitted to go on to a farmer's premises and inspect his cattle, and if they are found to be infected with ticks, or what is known as Texas fever, they are to establish a quarantine and not allow the owner to even move the cattle from one field to another on his own farm. The penalty for violation of the quarantine is a fine of from \$50 to \$500. This law, when passed, was very unpopular in parts of the State where there were infected cattle, in some places the farmers organized and vowed they would not obey the law, or allow it to be enforced, and had the law been left to a vote of the people of the communities affected thereby, it would have been overwhelmingly repudiated. But this law was rigidly enforced by the officials, and is now very popular. Governor, why did you sign this bill before you ascertained the will of the people?

Officials to Blame.

I do not place myself in the class that the governor refers to as "some who look merely upon the surface of things have charged that my lack of sympathy with these prohibition laws has caused their non-enforcement." I do say, Governor, that so far as you and most of your official followers are concerned, the prohibition laws have stood repealed ever since you have been governor of the State, and more especially since you vetoed the temperance

laws passed by the last legislature. A reference to the pardons granted to the violators of these laws is proof of this statement.

In my investigations of the violations of the prohibition laws of the State, it is almost invariably true that where we find the most open and flagrant violations, the officials, whose duty it is to enforce these laws are the governor's followers, and, like him, defenders of the liquor traffic. It is an old saying, and a true one, that the best way to get rid of a bad law is to enforce it. Now, Governor, why did you not apply that hypothesis to this law? The answer is easy. You no more want to destroy the liquor traffic or enforce these laws than do the distiller, brewer or liquor seller themselves. If you wanted to see these laws enforced, why did you on the last day of the last legislature veto the law passed by that body giving the State officers the same rights to run down violators of these laws that the federal officers have? But even with the lax enforcement of the prohibition laws in Memphis, Nashville and Chattanooga, I challenge you to prove that there is one-half as much liquor sold in these cities as was sold before the law went into effect.

Time Enough to Talk About Repeal.

It will be time enough to talk about the repeal of these temperance laws after the same sentiment that abolished the liquor traffic in the State has driven from office officials who were elected to their positions by the aid and influence of those engaged in this law-defying traffic, and the law has been given a fair trial. Tennessee should be ashamed of any official who takes an oath to enforce the law, and who, then like a cowardly weakling, says, "The law can not be enforced." If he is honest he should live up to his oath of office or resign.

Temperance history correspondence

that question would have become the cause of as great disturbance over the State thirty years ago as it is now. But we had no such governor. Every other governor we have had, as these laws were amended to cover more territory from time to time, even if unfriendly to the law, as I doubt not some of them were, accepted the situation, signed the bills when passed, and made no opposition to them, because they recognized the right of the people to have these laws, and their desire for them, as shown by the election of a legislature in favor of their passage.

When Governor Patterson was elected, he should have known that an overwhelming majority of the people in Tennessee were in favor of these laws, from the fact that the saloon had been driven from the entire State, except these four places. He should have known by the election of a legislature in favor of the passage of the law, that the people wanted the law, and had a right to have it; that it was no more necessary for each separate city to vote in favor of the passage of this law than in favor of the passage of a law regulating divorce, or marriage, or graft, or bribery; that the whole people rule; that the State is the sovereign power, and the people of the State are competent to judge what is to the best interests of the people of the State, or democratic government is a failure.

If he had accepted the situation as all the other governors of Tennessee had done, and let the people, peacefully, have the law they so much wanted, there would be no more disturb-

ance over this question today than there has been at any time during the past forty years.

The Question Must be Settled Right.

In just this way, and only in this way, has the prohibition question become a disturbing question in the politics of this State. It is not the only issue; not even the greatest issue today in the minds of the tens of thousands of our people. But it is an issue to be reckoned with, that will never be settled until it is settled right. The tide against the liquor traffic has set in, not only in Tennessee, but in every State in the United States, and in every nation of the civilized world. The history of such movements, since the beginning of time, shows that there is no possible way to check them or turn them back, until the victory is won. It were as hopeless to try as was the effort of the South to turn back the tide against human slavery. It can't be done. The liquor traffic is doomed. Its overthrow will be one of the things that marks the mile stones in the advancing march of civilization.

THE VITAL ISSUE, 1910

Law Enforcement



Majesty of the Law
or Urban Anarchy
WHICH?

ADDRESS

Issued by
TENNESSEE ANTI-SALOON LEAGUE
Office, 37-38 Chamber Com. Bldg.
Nashville, Tennessee

OFFICERS AND EXECUTIVE COMMITTEE
— OF —
TENNESSEE ANTI-SALOON LEAGUE

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Dr. Allen G. Hall, 1st Vice-Pres	Nashville
J. M. Crawford, 2d Vice-Pres	Knoxville
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Rev. Geo. W. Shelton	Nashville
Caswell E. Rose	Nashville
Dr. Allen G. Hall	Nashville
J. M. Crawford	Knoxville

To Patriotic Tennesseans:

Law Enforcement Not a Party Question.

"The worst possible lesson to teach any citizen is contempt for law," declares Theodore Roosevelt, who adds, "No man should take public office unless he is willing to obey his oath to enforce the law." This utterance of the long time leader of one great political party is emphasized by the most famous champion of another, for says William Jennings Bryan, "The saloon is constantly used to debauch politics," and, "the Democratic party cannot afford to act as the mouthpiece of the liquor interests—organized against the home and the State, against private virtue and public morals." The liquor dealer who persists in doing business in Tennessee is therefore, neither a Republican nor a Democrat; he is a criminal, and every apologist and defender of the outlawed liquor traffic in this State ought to be regarded and treated, not as a politician, not as a reputable partisan, but as a friend and abettor of criminals.

Temperance legislation in Tennessee is triumphant. The fight of law enforcement must now be won.

The Friends of the Law Must Enforce It.

To the victors belong, not the political spoils, but the duty of conserving the righteous results

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of their victory. A thirty-two-year war of aggression against liquor domination has cost so much of heroism and suffering on the part of the law-abiding, home-loving, God-fearing manhood and womanhood of this commonwealth that the best citizenry of Tennessee will not now tamely surrender a long-sought good law in meek response to the selfish and base desires and demands of the enemy, the saloons, distilleries and breweries, and their political and journalistic camp-followers:

From the first skirmish in this generation-long war we have been told that prohibition would not prohibit, which usually meant that prohibition should not prohibit. But prohibition does prohibit wherever it is given a faithful trial, wherever officers obey their oaths of office, and wherever the people see to it that only the friends of law enforcement are put on guard in the Capitol, the Courthouse and the City Hall. At this time, while nowhere is there as much liquor sold as formerly, the law against liquor making and liquor selling is flagrantly violated in only three cities, and these three cities can enforce the law if they will—if they will not, the dauntless Tennesseans in the other ninety-three counties should help to cure this urban anarchy.

The Enemies of the Law Will Discredit It If They Can.

As they have been driven out of these ninety-three other counties, the lawless saloonists and their political camp followers have fled to these

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three "cities of refuge." Here they are gleefully proclaiming that the law is not obeyed, and in some instances, officials are shamelessly declaring that it cannot and almost that it shall not, be enforced. If each separate municipality and community assumes the right to elect what law or laws shall be obeyed, and what disregarded, then any citizen may do the same thing, and for the same reason, that he was not consulted and did not consent to its enactment.

The act of 1887, prohibiting the sale of intoxicating liquors within four miles of any school house, whether incorporated or not, whether school was in session or not, was a sweeping State-wide measure, covering a large part of the territory of every one of the ninety-six counties. The citizens living in the territory affected in the various counties were not consulted, and the question was not submitted to their vote, to determine whether the law was wanted or not, yet the act became the law, and the people, like the good citizens they were, not only bowed to the majesty of the law, and subjected themselves to its mandates, but they saw to it that it was rigidly enforced, and its violation certainly and speedily punished.

What a Good Governor Could Do.

Whenever in this State there has been an outbreak of lawlessness which the local authorities were unable or unwilling to suppress, the Governor has promptly and unhesitatingly brought into play his tremendous power, and has stamped out such lawlessness, and set in motion the ma-

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chinery for the punishment of the law-breakers, and that, too, without regard to whether the offenders were consulted by the law-makers or not. Such was the course pursued by our Chief Executive with respect to the lawlessness growing out of both the Coal Creek miners' uprising and the Reelfoot Lake Night Riders' conflict. Neither Governor did more nor less than his duty. The Night Riders and the aggrieved miners were not nearly such persistent, defiant and dangerous criminals as are these liquor outlaws. Why, then, are these organized law-breakers in our cities immune, unless there is a widespread, far-reaching conspiracy to give them such free rein as to discredit the temperance laws and create such an intolerable condition as that even the friends of the laws will consent to their amendment or repeal? Will the vast majority of the citizens of Tennessee bow down and plead for terms with this handful of criminals? Hardly.

An Inevitable Conclusion.

That it is the enemy's hope to secure an amendment, if not an absolute repeal, of our temperance laws, there can be no doubt. The liquor forces have never been more vigilant nor better organized. They desire to capture the next Legislature, and they will stop at no effort nor expenditure in that behalf. Nothing but "General Apathy" and his chief-of-staff, "Over-Confidence," can now turn our victory into defeat.

Four Plain Present Duties.

Hence this address of the Anti-Saloon League to the friends of law and order. Hence this appeal to the upright and unpurchasable citizenship of a State that never took a backward step in temperance legislation, nor continued long in power the avowed and persistent enemy of existing statutes.

1. Let the friends of temperance everywhere organize, and stand for the rigid enforcement of all of these temperance laws all of the time and in all places.

2. Let no man be nominated by your political party, particularly for legislative office, or to the position of prosecuting attorney, criminal judge or sheriff, mayor or city judge, unless he is in known sympathy with these laws. If any unworthy man, by doubtful method, secures a nomination for one of these positions, defeat him. Principle is higher than partizanship; patriotism takes precedence ever over policy.

3. Commit candidates for the Legislature to fight every effort to weaken existing temperance laws. Pledge them to support such remedial measures as promise to make easier the enforcement of these laws, and to render more direct and sure the prompt unseating of derelict judicial and executive officers.

4. Remember that the paramount issue now is law enforcement. To that end the Anti-Saloon League confidently expects general support and

co-operation, and pledges sleepless, ceaseless fidelity and activity.

The above address issued by the officers and Executive Committee of the Tennessee Anti-Saloon League in Conference at Nashville, March 1, 1910.

CONSTITUTION SUGGESTED FOR LAW ENFORCEMENT LEAGUES.

I. This League shall be interdenominational and non-sectarian, the accredited agency and united voice of all the churches; it shall be non-partisan in politics, but the omni-partisan representative of good government and civic righteousness.

II. The officers of this League shall be a President, two Vice-Presidents, a Secretary and Treasurer, who shall be elected annually, and hold their offices until their successors are elected.

III. This League stands pledged to the maintenance and enforcement of our present temperance laws, and to the enactment of such further sane and salutary laws as will result in the suppression and utter annihilation of the miserable traffic in manhood, which constitutes the business of those engaged in the manufacture and sale of alcoholic beverages.

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IV. Among the objects of the League are the following:

1. The legal suppression and complete destruction of every business, under whatever guise conducted, having for its purpose the manufacture, sale and giving away of intoxicating liquors.

2. The securing of such National and State legislation as will remove intoxicating liquor from the category of legitimate articles of interstate commerce and place it where it rightly belongs, in the class of harmful things, wholly subjected to the police regulations of the States.

3. To secure the withholding by the Federal Government of all "licenses," and other authority of any kind whatsoever, for the manufacture and sale of intoxicating liquors in dry territory.

4. The equal, impartial and vigorous enforcement of all laws, including the temperance laws, and the certain, swift and adequate punishment of all violators.

5. The support of only such candidates, for any office, as will heartily pledge themselves for the maintenance and enforcement of our present temperance laws, and the carrying out of the principles herein enunciated.

V. All good citizens who, whatever their opinion as to the wisdom of their passage, believe that constitutionally enacted laws should be obeyed; who believe that obedience thereto is not a matter of choice of any person or community; who believe that the enforcement of a general law is not a local question—all law-abiding citizens who believe in the principles herein set forth—are

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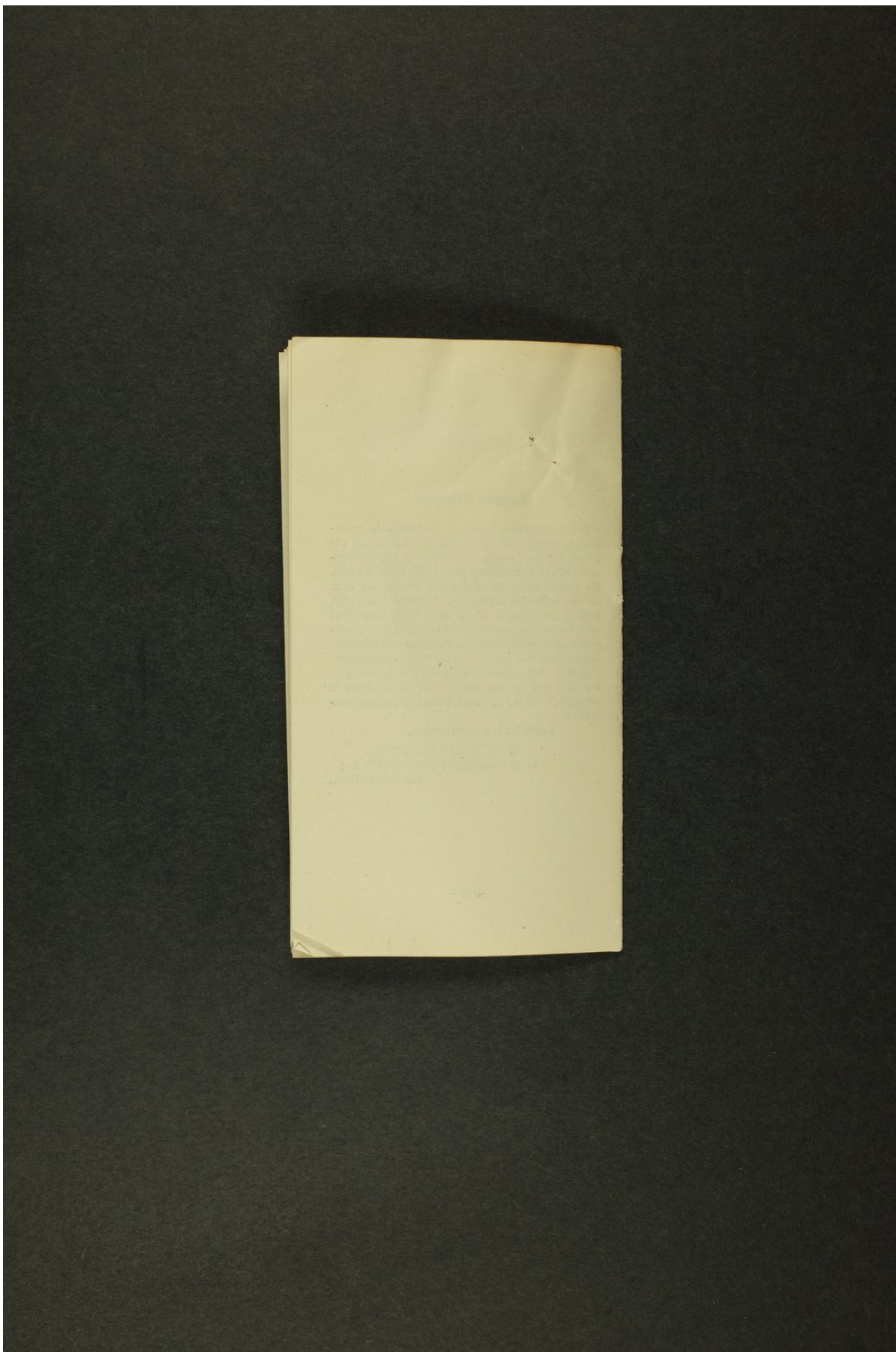
eligible to and are cordially invited to become members of this organization, which is organized under and affiliated with the Tennessee Anti-Saloon League, to which it pledges its hearty cooperation and loyal support.

League Attorney.

The Anti-Saloon League is fortunate in securing the services of Hon. Jas. H. Welcker as attorney for the League. To assist in the enforcement of the temperance laws is his special work. He stands ready to advise and co-operate with all who desire his assistance. Communicate with him or the League about any violations that exist in your community. We print above a suggestive constitution for Law Enforcement Leagues. If you are not a member of such an organization, join one. Or, if there is none in your community, see that one is organized. "In union there is strength." Keep in touch with the State organization.

Yours for law enforcement,

W. R. HAMILTON, Supt.,
37-38 Chamber of Commerce Bldg.,
Nashville, Tenn.



Motion made and carried that Herman Palmer be discharged from the County jail by the Sheriff of Scott County, at the end of his thirty day sentence on the 8th day of April, 1910.

Board allowed the following bills:

Frank French, salary and mileage and money paid out	44.65
J. F. Masch, salary	33.00

Board adjourned.

J. F. Masch, Chairman. S. W. Filson, County Clerk.

Action of County Commissioners



Scott City, Kan.
April. 9- 1910
Mr. Frank. W. Stahl,
Supt. State Temperance Union,
Topeka, Kan.
Dear Sir and brother, Your recent
communication given to our
County Attorney,
Had a talk with the Sheriff and
he says very hard to get any-thing.
He has talked to different ones who
it is reported knew of Conditions
in Scott City, but they claimed not
to know any-thing.
I still feel that it will be nec-
essary for the Attorney General or
the State Temperance Union to take
up the work to get results.
The latest is the release of
Mr. Parmer, without Payment
of \$100. fine - The Commissioners
ordered the Sheriff to turn him
out when the Jail Sentence
was served.
I want to ask you. Do the
County Commissioners have any



legal Authority to release
men Convicted of Selling
liquor illegally.
 (Some time since a Mr. Kernes
 was turned loose before time
 of sentence expired. Now this
 man was not required to
 pay the fine. ^{Since writing this I learn}
 that District Court turned out ^{on bond.}
 Now if the County Commissioners
 can do this kind of work, then
 we had just as well lay
 down here and now and give
 up the fight for the enforcement
 of the liquor law.
 An early reply is awaited.
 As some of our people are
 ready to back the County atting
 and Sheriff with money and moral
 influence but feel that no
 use to go further under Circumstances
 Respectfully
 S. M. Day



June 8, 1910.

Mr. S. M. Day,

Scott City, Kansas.

Dear Sir:--

Your favor of April 9th to Frank M. Stahl has been turned over to me. I note what you say concerning conditions in Scott City. I herewith enclose to you a couple of blank books and I would like for you to fill them out concerning any persons engaged in the sale of intoxicating liquor and send them to me as soon as you have them filled out, and I will then get in communication with your County Attorney and see if I can not get some results for you.

Concerning the power of the Board of County Commissioners to release a person from jail, permit me to say that under the law of this State the County Commissioners have power to release any person from jail when they are confined in jail for the non-payment of fine and costs. The Commissioners can not release from jail when they are under a jail sentence from any Court. I notice that you say that if the County Commissioners have power to turn persons out there is no use to do anything further to secure the enforcement of the law. In this you are mistaken. The power of the County Commissioners to turn persons out of jail when confined for non-payment of fine and costs has existed in this State for the past thirty years. The law is enforced notwithstanding this power of the Commissioners. The thing to do is to bring pressure upon the Commissioners to convince them that it is not the proper thing to turn persons out of jail without the payment of fines. However, the attitude of your County Commissioners is the same as that of the County Commissioners of a number of counties in the State.

Respectfully yours,

First Assistant Attorney General of
Kansas and Attorney for the State



June 10, 1910.

Hon. S. E. Nicholson,
30-31 Bliss Building,
Washington, D. C.

My dear Nicholson:--

I have delayed answering your letter of some ten days or two weeks ago for several reasons. One reason is that it is a very difficult matter for us here in Kansas to take sides in the race for Congress between Miller and Jackson. We have never had an Attorney General in Kansas that has given us the help that Jackson has, and is giving us today. At any time when any phase of the work comes up that is beyond our power to direct or control through either city or county officials an appeal to the Attorney General's office always brings help. Mr. Marshall, First Assistant Attorney General, is our special attorney, has an office with us here in our rooms, and is always available, and in fact is running the temperance end of the campaign for the Attorney General's office, of course in full accord with Mr. Jackson himself.

On the other hand we recognize the fact that Congressman Miller has been a leader in Washington for the Anti-Saloon League in the legislation that they are asking for, and with these two men, one in Washington and the other here in Kansas, doing what they can, it is a very difficult matter to decide, so far as taking a personal hand in the controversy is concerned. By helping Miller openly, and that of course is the only way we could stand for, would be to lose the help that Attorney General Jackson is giving us, and it would seem to me a case of base ingratitude to do this.

There is a phase in this controversy that I am quite sure is not as clear to you there in Washington as it is to us here in Kansas. The fact of the matter is that the people here in Kansas are so solid and have such a big majority on the side of law and law enforcement along prohibition lines that it is hardly a question for discussion in our campaigns. The words "Insurgents" and "Stand-patters" here are common every-day words and are exercising far more influence in the campaign than the liquor question. No man can run for a State office or for a Congressional office in Kansas that is not outspoken for prohibition and its thorough enforcement.

It is unfortunate that these men should be pitted against each other, and yet I see no way of helping it, and I have talked the matter over with some of our leading men, among them John Marshall, who is in our office a great deal, and the only thing that we can do is to keep our hands off, and when anything is said through our field men to simply state what Miller is doing at Washington and what Jackson is doing in Kansas. I very much question whether any campaign by men from other States will have much effect on the final vote which will be held on August 2nd.



S.E.N.-2.

Another reason why I did not answer your letter promptly was the fact that I had written to President Baker just about such a letter as I am writing to you, and knowing that you were in contact with him a great deal supposed that you had got the state of affairs, as we view it here in Kansas, from him. Miller has his strong friends, as well as Jackson, and men that are good politicians are guessing both ways on the result. There is no mid slinging to amount to anything--it seems to be a square fight between two good men. The loss, if any, to the Anti-Saloon League will be the experience that Mr. Miller has had in Kansas and his acquaintance, which, of course, will give the ordinary man a great deal more power than a new man would have.

To say that we have not been troubled in mind over this matter would not be the truth, but I believe I am giving you just what the leaders in this movement here in Kansas think about this matter.

In regard to interviewing our Congressmen and those who are candidates for Congress will say that all our Congressmen are pledged to vote for any bill along interstate commerce lines that will be endorsed and approved by the Anti-Saloon League. This includes Mr. Anthony from Leavenworth, who has always been opposed to our prohibition laws, but because of public sentiment has agreed to stand pat for this measure. And I repeat again what I said before in this letter, that no man can stand for Congress in this State without being openly in favor of all the laws necessary to eliminate the saloon and give not only Kansas, but other prohibitory territory the full benefit of the laws they have voted for.

I am well aware that this answer will not be satisfactory to you or Brother Baker and the other leaders at Washington, D. C., but what you want above all things is a candid, fair and honest statement of things as they exist, and that I believe I have given you fully.

Hoping and believing that we will get the legislation needed, I remain

Sincerely yours,

FMS/ER.

Superintendent.