

## Governor Lorenzo Lewelling, Correspondence, Box 3

### Section 11, Pages 301 - 330

These folders contain correspondence subject files with Governor Lewelling, twelfth governor of the State of Kansas, 1893-1895, and the first Populist governor of the state. Subjects included are fairs, legislation, military affairs, mining operations, oil inspector, railroads, resources for Western Kansas, and tramp letters.

Creator: Kansas. Governor (1893-1895: Lewelling)

Date: 1893-1894

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## Governor Lorenzo Lewelling, Correspondence, Box 3

### CHAPTER CLXXX.—OILS.—STATE INSPECTOR OF.

AN ACT to provide for a state inspector of oils, and deputies, and to define their duties and provide fees for the same, and prescribe penalties for violation thereof, and to repeal acts and parts of acts in conflict herewith.

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

SECTION 1. All minerals or petroleum oil, or any oil, fluid or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element, whether manufactured in the state or not, shall be inspected as provided in this act before being offered for sale for consumption for illuminating purposes in the state.

SEC. 2. The governor shall on or before the first day of April next appoint a suitable person, resident of this state, who is not interested in manufacturing, dealing, or in vending any of the illuminating oils specified in section one of this act, as state inspector of oils, whose term shall be two years from the date of appointment, or until his successor shall be appointed and shall qualify. It shall be the duty of said state inspector or his deputies hereinafter provided for to examine and test within this state the quality of all such oils offered for sale by any manufacturer, vendor, or dealer, and if upon such testing and examination they shall meet the requirements hereinafter specified, he shall fix his brand or device, viz.: "Approved; flash-test 110 degrees," (inserting the actual flash-test,) with the date of his official signature upon the package, barrel or cask containing the same. And to more effectually carry out the provisions of this act, it shall be lawful for any state inspector, or his deputies, to enter into or upon the premises of any manufacturer of, vendor of, or dealer in said oils, and if any such oils intended for consumption for illuminating purposes within the state shall be found there which should have been inspected, as provided for in this act, and have not been, the inspector shall proceed to test and brand the same. It shall be lawful for any manufacturer, vendor or dealer to sell oils so tested if they are found to comply with the require-



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### STATE INSPECTOR OF OILS.

ments of this act and are properly branded "Approved;" but if such oils so tested shall not meet said requirements, the words "Rejected for illuminating purposes" shall be marked in plain letters on the package, barrel or cask containing them, and it shall be unlawful for the owner or owners thereof to sell them for illuminating purposes for consumption in this state. If any person shall sell or offer for sale such rejected oils for such purposes, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty, in the discretion of the court, in any sum not exceeding five hundred (500) dollars.

SEC. 3. The state inspector provided for in this act is hereby authorized to appoint and station deputies sufficient in number to promptly perform all inspections they may be called on to make, not to exceed five deputies, which deputies are hereby empowered to perform the duties of inspection and shall be liable to the same penalties as the state inspector: *Provided*, That the state inspector may remove any of said deputies for reasonable cause. The state inspector and his deputies shall provide themselves, at their own expense, with the instruments, stencils, brands and stamps necessary for the proper performance of their duties, and when called upon for that purpose they shall promptly as may be possible inspect all oils hereinbefore mentioned, and shall reject for illuminating purposes such of them as will emit a combustible vapor at the temperature of one hundred (110) degrees Fahrenheit. *The oil tester now used in the state of Ohio, and known as the Foster apparatus, shall be used by the state inspector and his deputies; and in making the test, the oil shall not be heated faster than two degrees per minute.*

SEC. 4. Every person appointed as state inspector or deputy inspector, before he enters upon the discharge of the duties of his office shall take the oath or affirmation prescribed by the constitution and laws of this state, and shall file the same in the office of the secretary of state. The state inspector shall execute a bond to the state of Kansas in the sum of ten thousand (10,000) dollars with such surety as shall be approved by the secretary of state, conditioned for the faithful performance herein imposed upon him, which bond shall be for the use of all persons aggrieved by the act or neglect of said inspector, and the same shall be filed with the secretary of state. Each deputy inspector before he enters upon the duties of his office shall execute a bond to the state inspector in the sum of five thousand (5,000) dollars, with such sureties as may be approved by the state inspector. Such bond shall be filed with the state inspector, shall be conditioned for the faithful performance of the duties herein imposed, and shall be for the use of all persons aggrieved by the act or neglect of said deputy inspector: *Provided*, That in case of the insolvency of the deputy inspector or his bondsmen, the inspector shall be liable for any damages resulting from oils inspected by such deputy inspector.

SEC. 5. The state inspector or deputy inspector is entitled to demand and receive from the owner of any oils tested, forty (40) cents for a single barrel, thirty cents per barrel for lots of from 2 to 5 barrels; 20 cents per barrel for lots of from 6 to 25 barrels; 15 cents per barrel for lots of from 26 to 50 barrels; and 10 cents per barrel for lots of over 50 barrels; and when such oil is contained in storage tanks or packages other than barrels, 55 gallons shall be considered and counted as one barrel in the settlement of the inspector's fee. It shall be the duty of the state inspector and each deputy inspector to keep an accurate record of all oils tested and branded by him, which record shall state the date of inspection, the number of packages, barrels or casks rejected, the number approved, the manufacturer's brand, the name of the person for whom inspected, and the sum of money received for such inspection; and such record shall be open to all persons interested. At the beginning of every month each deputy inspector shall forward to the state inspector a true copy of such record, and all moneys received by him for his inspections. In



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### REPORT.

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the month of January of each year the state inspector shall make and deliver to the governor of the state a report of the inspection by himself and deputies during the preceding calendar year.

SEC. 6. The state inspector shall receive an annual salary, payable monthly, of not to exceed one hundred (100) dollars per month, and be allowed all actual and necessary expenses for railroad, stage and traveling expenses incurred in the discharge of his duties as state inspector as herein provided. Each deputy inspector shall also be entitled to and allowed a salary of not to exceed fifty (50) dollars per month and all actual and necessary expenses for railroad, stage and steamboat fares incurred in the discharge of his duties as such deputy inspector, and for other sums of money as by the authority of the state inspector he may expend in the prosecutions for offenses arising under the provisions of this act. All salaries and expenses provided for in this act shall be paid by the state inspector out of the money received for the inspection of oil: *Provided*, That in case the amount of money received for such inspection, according to the provisions of this act, shall not be sufficient to pay the salaries and expenses of the state inspector and his deputies as provided herein, the amount of such deficiency shall be deducted from the said salaries, *pro rata* to each: *Provided further*, That in case the moneys received for the inspection of oil, according to the provisions of this act, shall be in excess of the sum required to pay the salaries and expenses of the state inspector and his deputies as provided hereinbefore, the amount of such excess shall be paid into the state treasury for the benefit of the general fund. The state inspector shall render to the state auditor a detailed account of all the receipts and disbursements of his office, and shall also incorporate a copy of such report in his annual report to the governor.

SEC. 7. Any person or persons, whether vendor, manufacturer, or dealer, who shall sell or attempt to sell to any person in this state any of the illuminating oils hereinbefore mentioned before having the same inspected as provided in this act, shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in any sum not exceeding five hundred (500) dollars; and if any manufacturer, vendor, or dealer in any of said illuminating oils shall falsely brand the package, barrel or cask containing the same, for the purpose of deceiving the purchaser thereof in any manner as to the contents of the same, or shall use packages, barrels or casks having an inspector's brand thereon without having the oil inspected, he or she shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in a sum not exceeding three hundred dollars (\$300) nor less than one hundred dollars (\$100) or to be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

SEC. 8. Any person selling or dealing in the illuminating oils hereinbefore specified who shall sell or dispose of any empty barrel, cask or package that has once been used for such oils and been branded by a state or deputy inspector before thoroughly canceling, removing, or effacing the inspection brand on the same, shall be guilty of a misdemeanor, and on conviction thereof shall pay a fine of ten dollars (\$10) for each barrel, cask or package thus sold or disposed of.

SEC. 9. Any person who knowingly uses for illuminating purposes any illuminating oils as hereinbefore specified before the same have been legally inspected and branded "Approved," as required in section one of this act, shall be fined in any sum not exceeding one hundred dollars (\$100) nor less than twenty (20) dollars.

SEC. 10. No person shall adulterate with paraffine or other substance, for the purpose of sale or for use, any of the illuminating oils specified in this act in such manner as to render them dangerous to use, nor shall any person sell or offer to sell or knowingly use for illuminating purposes any such adulterated oils which by rea-



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### STATE INSPECTOR OF OILS.

son of being adulterated will emit a combustible vapor at less temperature than one hundred (110) degrees Fahrenheit thermometer: *Provided*, That such vaporizing point shall be determined in the manner and with the instrument as hereinbefore provided in section three of this act. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred (500) dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 11. Gas or vapor from petroleum or any of the products of the petroleum may be used for illuminating purposes, when the oils from which said gas or vapor is generated are contained in closed reservoirs outside of the building lighted by said gas or vapor. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred (300) dollars, or by both such fine and imprisonment, at the discretion of the court: *Provided*, That nothing in this act shall be construed as to the use in street lamps of the lighter products of petroleum, such as gasoline, benzine, benzole, and naphtha.

SEC. 12. Whoever shall sell or cause to be sold any of the illuminating oils as specified in this act which are below one hundred (110) degrees Fahrenheit when tested, as provided for in section three of this act, shall be liable to any person purchasing any of such oil, or any person injured thereby, for any damages to persons or property arising from any explosion thereof.

SEC. 13. No state inspector or deputy inspector shall while in office traffic directly or indirectly in any of the oils which he has been appointed to inspect; and in case of a violation of this provision, the offender shall be fined in any sum not exceeding five hundred (500) dollars, and be removed from his position.

SEC. 14. It shall be the duty of the state inspector or any deputy inspector who shall know of the violation of any of the provisions of this act, to enter complaint before any court of competent jurisdiction against any person so offending; and in case the state inspector or deputy inspector having knowledge of such violation shall neglect to enter complaint, he shall be deemed guilty of a misdemeanor, and upon conviction shall be removed from his position.

SEC. 15. It shall be the duty of all county attorneys to represent and prosecute on behalf of the people within their respective counties all cases of offenses arising under the provisions of this act.

SEC. 16. All questions of dispute arising between the deputy inspector and manufacturers and dealers shall be submitted to the state inspector for his decision, and his decision shall be final.

SEC. 17. It shall be the duty of the governor to remove from office any state inspector who shall prove himself to be either unfaithful or incompetent in the discharge of his duties.

SEC. 18. All acts and parts of act in conflict with this act are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its publication in the official state paper and in the statute book.

Approved March 2, 1889.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the official state paper March 16, 1889.

WILLIAM HIGGINS, *Secretary of State.*

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amounting to \$18,310.75. The amount of \$17,314.40 has been paid out for salaries and expenses for the same period, leaving a balance of \$996.35 remaining in my hands, and due to the credit of the general fund in the State Treasury, as provided by law.

I have filed a duplicate copy of this report in the office of Auditor of State.

Respectfully submitted,

*A. L. Taylor*  
State Oil Inspector.



## Governor Lorenzo Lewelling, Correspondence, Box 3

### Statement of Collections made by State Oil Inspector

H. L. Taylor, on account of Oil Inspections from April 1<sup>st</sup> 1893 to March 15<sup>th</sup> 1895 inclusive, as shown by the ledgers of the respective Oil Companies.

Scotfield, Shrewiner & Seagle	Kansas City Mo.	371.80
do do	St Joseph Mo	272.80
National Oil Co	Kansas City Mo	1082.90
Standard Oil Co	Wichita Kan	505.20
do	St Joseph Mo	4114.35
do (including Kansas branches)	Kansas City Mo	16170.35

#### Total Collections

\$ 22517.40

Collected from April 1<sup>st</sup> 1893 to Jan 5<sup>th</sup> 1895  
for Inspections to Dec 31<sup>st</sup> 1894

Scotfield, Shrewiner & Seagle	Kansas City	325.50
do do	St Joe	243.90
National Oil Co	Kansas City	920.90
Standard Oil Co	St Joe	3628.60
do	Kansas City	14590.50
		19709.40

Collected for Inspections Jan 1<sup>st</sup> 1895 to Mar 15<sup>th</sup> 1895

Scotfield, Shrewiner & Seagle	Kansas City	46.30
do do	St Joe	28.90
National Oil Co	Kansas City	162.00
Standard Oil Co	Kansas City	1579.85
do	St Joe	485.75
do	Wichita	505.20
		2808.00

#### Total Collections

\$ 22517.40

Collections as shown by H. L. Taylor in his report  
to Gov. Lewelling dated Jan 5<sup>th</sup> 1895 for 1 year  
and 9 months Oil Inspections i.e. April 1<sup>st</sup> '93 to Dec 31<sup>st</sup> '94

18310.75

Actual payments made him by respective Oil  
Companies for same period

19709.40

1398.65

Distributions as per H. L. Taylor's report (not itemized)  
Collections do do

17314.40

18310.75

996.35

Collections for Inspections Jan 1<sup>st</sup> '95 to Mar 15<sup>th</sup> '95 for  
which no report has been made

2808.00

Leaving in question the amount of \$17314.40 for salaries  
& expenses there is still to be accounted for:

\$ 5203.00

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Comparative Statement of Inspections as shown by H. L. Taylor  
in his report to Gov. Lewelling Jan: 5/95 and, ~~the~~ the Books of  
the respective Oil Companies, from April 1<sup>st</sup> 1893 to Dec 31<sup>st</sup> 1894

	H. L. Taylor	Oil Companies
1893		
April	603 10	701 50
May	596 55	566 30
June	1041 30	437 00
July	505 55	486 00
August	738 20	738 20
September	892 80	892 80
October	1273 00	1624 60
November	1464 90	1251 60
December	1374 00	1635 80
1894		
January	1444 70	1441 70
February	821 10	821 10
March	717 20	717 20
April	732 40	732 40
May	1354 20	1342 90
June	594 90	600 00
July	294 10	308 40
August	688 90	708 90
September	843 10	843 10
October	653 80	1153 80
November	1267 40	1267 40
December	409 55	1438 70
	18310.75	19709.40

Representing 183107 Barrels & 197094 Barrels.

Note.

April to July '93	H. L. Taylor reports Inspection	2746.50
do	Oil Companies report only	2190.80
		555.70 more than Oil Companies report
Oct & Dec: '94	H. L. Taylor reports Inspection	1063.35
do	Oil Companies report	2592.50
		1529.15 less than Oil Companies report

## Governor Lorenzo Lewelling, Correspondence, Box 3

STATE OF KANSAS.  
EXECUTIVE DEPARTMENT.  
GOVERNOR'S OFFICE.

### GOVERNOR'S PROCLAMATION.

#### ARBOR DAY.

Executive Department, State of Kansas.

In compliance with a now well established custom, I,  
L. D. Lewelling, Governor of the State of Kansas, do hereby  
designate and appoint Friday April <sup>43</sup>~~20~~th as

#### ARBOR DAY.

Let our people manifest an increasing interest in the  
observance of this beautiful holiday, and lend willing hands in  
adorning parks, roadways, lawns and the grounds around our school-  
houses with forest and ornamental trees.

That the boys and girls of Kansas may learn to love the  
trees and to know their usefulness as well as their beauty, I  
especially recommend that the day be observed in the schools of  
the state with appropriate instruction and that parents join with  
their children in the ceremonies of the day.



In Witness Whereof, I have hereunto  
subscribed my name and caused to  
be affixed the Great Seal of  
the State of Kansas.  
Done at Topeka this 30th day of  
March A.D. 1894.

L. D. Lewelling  
Governor.

By the Governor.

R. L. Osborn  
Secy. of State.



Arbore Day  
1894

МОИТАНАГОРИ С. ПОНТЕВОНЕ

• YAGI POBNA

инженерно-педагогический институт имени К. Маркса.

IN CONCORDANCE WITH A HOW WEST ACCEPTED CASES, I

R. D. REVELLING, Governor of the State of Kansas, no money

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ВЕРОНИКА

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appearance of the present notation, and after having in

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and vol of travel you seemed to enjoy but you'd end getting

I returned field as usual after field work of the week.

are socially responsible and are duly represented in the schools of

with a lot of energy and has not been able to get any more.

dependent consciousness and in general the "self"

TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES

of hours for men and boys

To find the best way to

THE STATE OF KANSAS.

TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES

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BY THE COURT,

• 01012 70 • Y966

## Governor Lorenzo Lewelling, Correspondence, Box 3

STATE OF KANSAS.  
EXECUTIVE DEPARTMENT.  
GOVERNOR'S OFFICE.

### PROCLAMATION OF THANKSGIVING BY THE GOVERNOR.

State of Kansas, Executive Department.

The people of Kansas have been blest with an abundant crop sufficient, with proper distribution, to supply the wants of all its citizens. The blessings of liberty and the safeguards of law have been enjoyed by all our people.

Therefore, I, L.D. Lewelling, Governor of Kansas, do hereby designate and set apart Thursday, the thirtieth day of November, as a day of public thanksgiving and prayer to God, and do recommend that on such day all secular business shall be suspended and that the people assemble in their usual places of worship to give praise and thanks for such blessings as are enjoyed by mankind.

I do further urge that those who are blest with plenty shall, while giving thanks for the comforts they enjoy, also incline their hearts to deeds of benevolence and charity, and thus by thankful consideration for the destitute, the sick, ~~the~~ unfortunate and the unemployed, make thanksgiving day, as far as possible, a day of enjoyment and contentment in the homes of the poor and destitute as well as in those where plenty abounds.



In testimony whereof, I have hereunto subscribed my name and caused to be affixed the Great Seal of the State.

Done at Topeka this 11th day of November in the year of our Lord 1893.

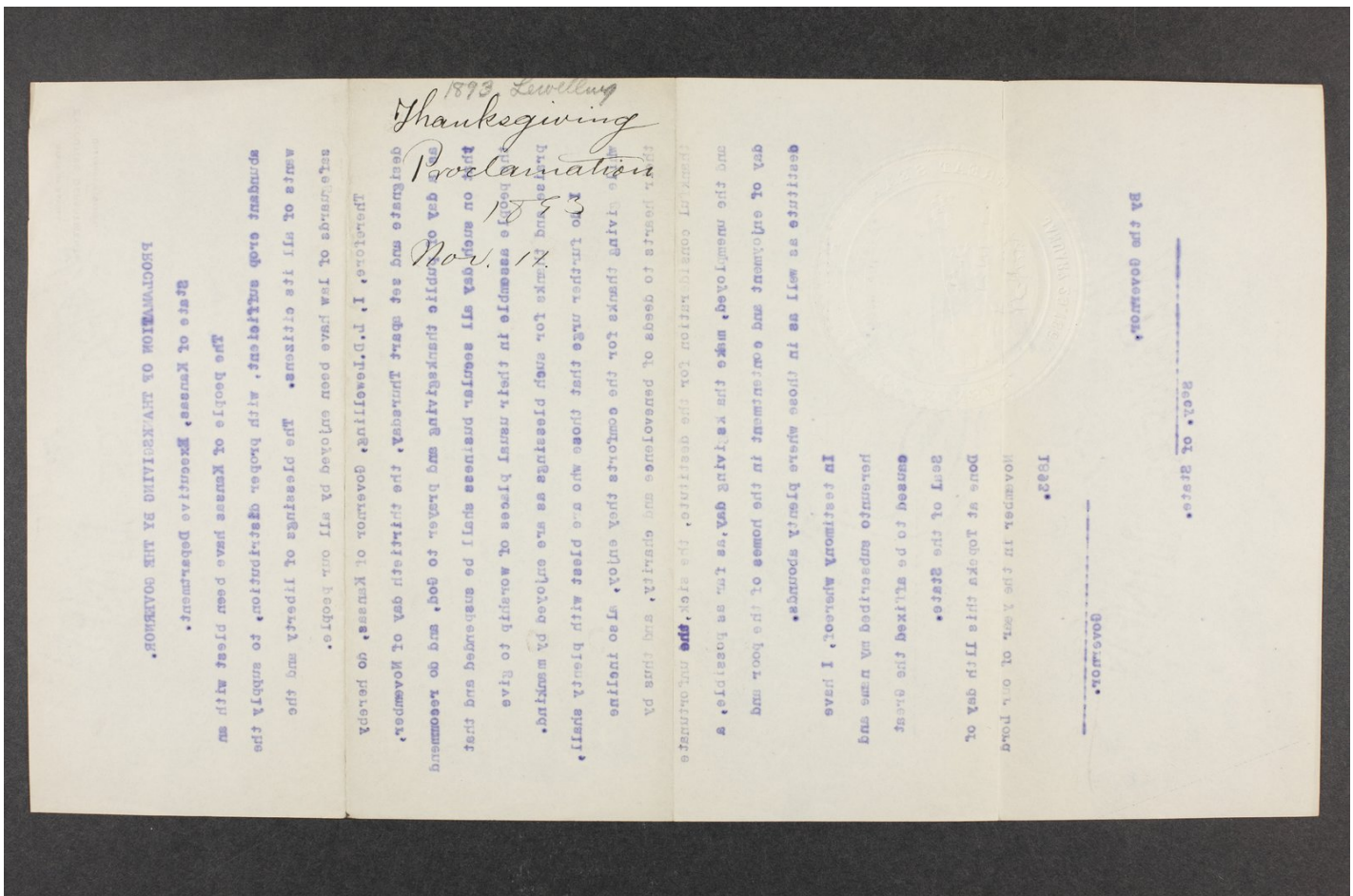
L. D. Lewelling  
Governor.

By the Governor,

R. S. Osborn  
Secy. of State.



## Governor Lorenzo Lewelling, Correspondence, Box 3



## Governor Lorenzo Lewelling, Correspondence, Box 3

STATE OF KANSAS.  
EXECUTIVE DEPARTMENT.  
GOVERNOR'S OFFICE.

### THANKSGIVING PROCLAMATION.

Executive Department, State of Kansas.

Topeka, November 12th 1894

In pursuance of an established custom of this Commonwealth, I, L.D. Lewelling, Governor of the State of Kansas, do hereby designate Thursday, November 29th, as a day of thanksgiving and prayer, and recommend that upon that day the people forego their usual occupations and assemble in their accustomed places of worship there to render thanks to the Divine Ruler for the blessings which we enjoy.

And I do further suggest that those who have been blessed with plenty, while giving thanks for the bounties they enjoy, remember with generous hearts and bountiful hands those who are needy and suffering.



IN TESTIMONY WHEREOF, I have here-  
unto subscribed my name and  
caused to be affixed the Great  
Seal of the State of Kansas.  
Done at Topeka this 12th day of  
November A.D. 1894.

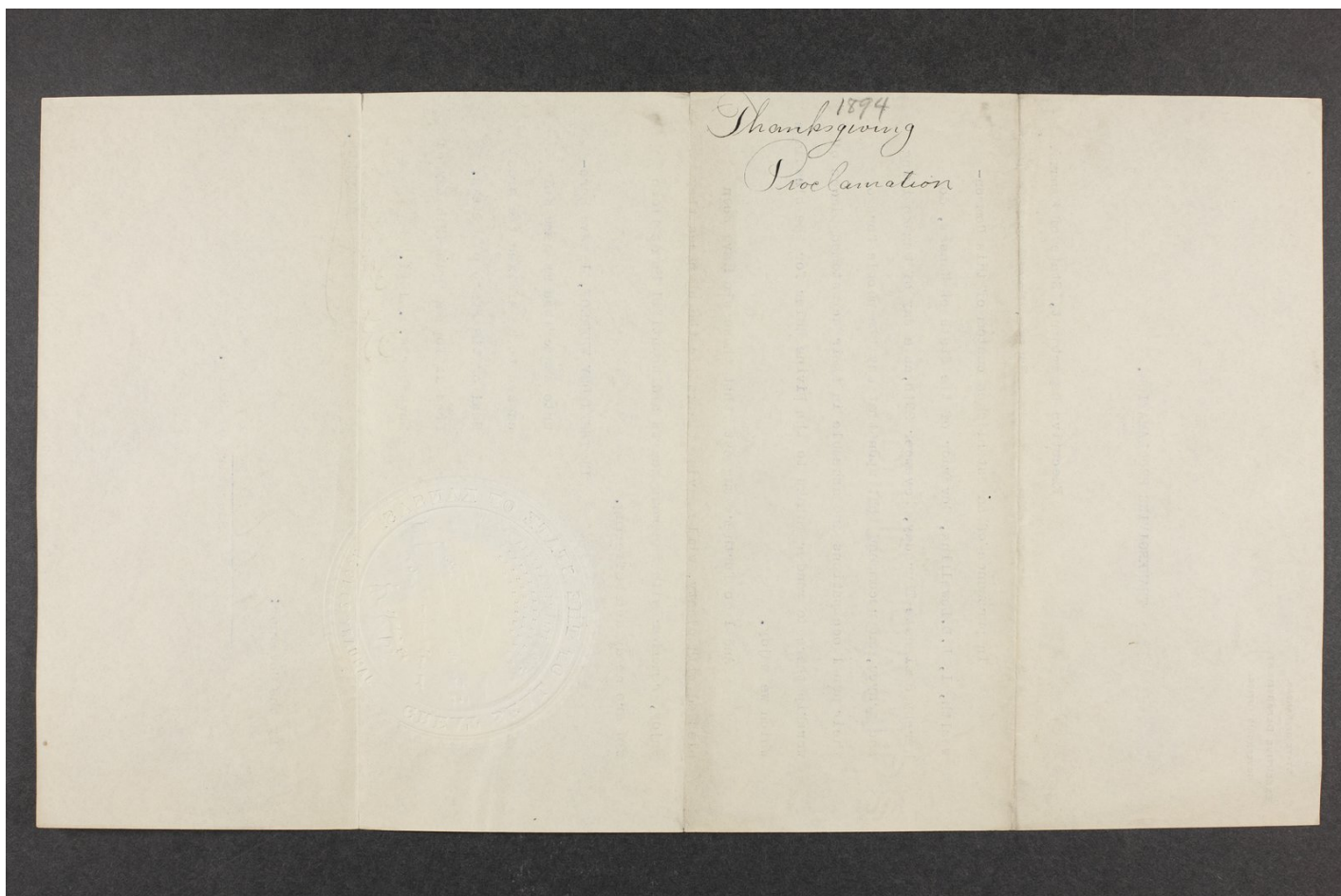
*L. D. Lewelling*  
GOVERNOR.

By the Governor:

*R. S. C. Brown*  
Secretary of State.



## Governor Lorenzo Lewelling, Correspondence, Box 3



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Valley Center 4-14-93  
Gov. Lewelling  
Dear sir  
Our town  
is cursed with a regular joint,  
and we think there are other  
places where liquor is sold.  
The man that runs the joint  
claims to have a Government  
license to sell the stuff. His  
name is Will Davidson.  
Now how should we proceed  
to shut him up?  
Our City officers are in sym-  
pathy with him, so we have  
nothing to hope for from them.  
Last year we had republican  
officers that claimed to be



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2<sup>nd</sup> Prohibitionists, but they did nothing with the joints. Is our Co. Attorney obliged to attend to the case if we make complaint against the man who is selling liquor here? They tell us we must have witnesses that can swear they bought liquor of him, or we cant convict. Is that the case? if so I am affraid we cant do much as there are very few men that will do that. Is there a law authorizing an officer to search the premises where it is supposed liquor is kept, and if found to destroy it?

Must our boys in this little town be destroyed by this demon of the Still, and wives and children go ragged

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3 and hungry in consequence  
of fathers spending their money  
for that which takes away their  
senses and makes demons of  
them instead of kind husbands  
and fathers?

Please tell us if there is  
any thing we can do to shut  
up these rum holes.

We are so encouraged think-  
ing you are the right man  
in the right place, republican  
standers to the contrary not-  
withstanding, and that you  
will show the people of Kansas  
that the laws of the state can  
and will be enforced, and  
also show that prohibition  
will prohibit when the en-  
forcement of the law is in  
the hands of honest men.



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4<sup>th</sup>  
 I hope and pray that you will  
 succeed in finding men of  
 sterling principals to appoint  
 to office that the liquor fra-  
 ternity cant buy.  
 They of course will ~~large~~ <sup>large</sup> sums  
 to tempt men to perjure them-  
 selves, and I am sorry to think  
 there are too many men hold  
 them selves for sale. May God  
 give you and the men you appoint  
 to office grace to stand by the laws  
 and homes of our state.  
 I dont think you could give the S.O.P.  
 a harder blow than to show to the  
 people of Kans. that the republicans  
 could have enforced the Pro. law while  
 they were in office if they had wanted  
too. Please answer if possible.  
 Respectfully Mrs. C. J. G. Edmondson  
 W. B. T. A. Pres. Valley Center Kans.

## Governor Lorenzo Lewelling, Correspondence, Box 3

2nd  
Ellenorth Kan June 21st 1873.  
Governor Lewelling July 1  
Dear Sir:  
I desire to call your attention off  
to the violation of the Laws of Kansas in  
regard to the selling of intoxicants in  
the City of Ellenorth. There are four parties  
here that are violating the Law & they have been for  
years. We have furnished the County  
Attorney information and have urged him  
to prosecute the violators but he will not  
prosecute. We appeal to you asking you  
to notify the County Attorney that he must  
prosecute these violators of the Laws of  
Kansas & prosecute the offenders.  
We are able to show you from the Police  
Docket where these parties have been found  
guilty almost monthly yet according to  
Law no report is made by this officer to  
County Attorney and all reports in regard  
to this matter when laid before County  
Attorney by some private parties have received  
no attention whatever. We have laid in  
complaints against these violators to the  
County Attorney but he will not enforce  
the Law. We earnestly appeal to you to  
see to it that our County Attorney does  
his duty in this matter or that a man is  
put into the office that will enforce the Law.  
Respectfully Submitted  
A. Sigler  
Ellenorth Kan



## Governor Lorenzo Lewelling, Correspondence, Box 3

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JUL 1 1893 /

Ways City Kansas June  
To His Excellency L D Lewelling  
Governor of Kansas  
Topeka

6621 X 709.

Dear Sir

Excuse me for writing you  
for in our extremity we know not what else to do  
We are completely in the hands of the Saloon Men  
Complaint has been made to our County Attorney  
against the Saloon Keepers for violation of the Prohibitory  
Law time after time but only one conviction has been had  
and that was a mistake on the part of the Co Atty in  
asking of a witness one more question than he intended  
The rest have been dismissed without trial.

A short time ago two women waited on the Saloon  
Keepers and forbid their selling their husbands  
any more liquor. No attention being paid to them  
they made complaint to the Co Atty and gave him  
the names of witnesses. Warrants were issued and  
time set for trial commencing June 14<sup>th</sup>. The first  
one was against Watson Ziegler drawn up on a  
District Court blank without any erasures reciting that  
I W L Aaron Co Atty for Ellis Co do complain &c but  
does not sign the complaint nor is it signed  
I Mrs Dalton signs an Affidavit. It was dismissed

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without hearing although he had a plenty of straight positive evidence. Another complaint against the same man. The first part of complaint is all right but he failed to make any charge of violation of any law. This and the other cases of violation of the Prohibitory Law he allows the defendants to take a continuance to July 1<sup>st</sup> without protest or objection.

In two other cases before the Dist Court (from the City of Ellis this Corinto) where urgent complaint was made to the Co Atty he had the parties arrested and placed under bonds to appear at the Dist Court he dismissed the case they paying the costs. The defendants not having been brought into Court or their cases entered on the Docket. In a number of instances cases have been dismissed without hearing the evidence the defendants paying the costs including the Attorneys fees we understand.

At 2 o'clock P.M. Thursday June 15<sup>th</sup> complaint was made to the Co Attorney against the saloon Keepers for keeping a nuisance requesting that an order be issued to the Sheriff to seize their liquors and arrest the keepers. The following are the names of witnesses furnished and the substance of their testimony. J Simmons Knownothing J Craig bought Ginger Ale and Whiskey M C Durkee Beer Edwin Whiskey and Beer Lewis Telling Whiskey & Beer.



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A Jackson Whiskey and Beer Anton Schmidt 3 bottles Beer. Lewis Dellinger had testified in the complaints for violating the prohibitory law and could not get anything himself so he got Anton Schmidt to get him the 3 bottles of Beer. One bottle he gave to Schmidt one he drank himself and the other he drank a portion of and the bottle was then marked in the presence of several men and is now in possession of a party. The complainants wanted the seizure made that night before they could get their Liquors out of the way. It took the Atty all of that afternoon and all day Friday to examine the witnesses and the warrant for seizure was not issued till near night Saturday when the Saloon Keepers had probably been notified and got their Liquors out of <sup>the</sup> way for when the Sheriff went there there was nothing to be found and I understand that it can be proved that in less than an hour after the Sheriff left the Liquors were brought back to at least one of the Saloons

Watson and Frank Zeigler had made threats in public against Dellinger. Dellinger went before the justice to have them placed under bonds to keep the peace. The justice would not make out the papers but sent him to the County Atty who after receiving the complaint made out ~~the~~ a warrant for the arrest of the Zeiglers for threatening the the peace of Dellinger. This was placed in the hands of Sheriff Snyder. He met the Zeiglers on the street



## Governor Lorenzo Lewelling, Correspondence, Box 3

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and read the warrant to them. They started immediately for the house of Dillinger saying they would learn him to have them arrested for nothing. The Sheriff did not follow them although he probably knew they were armed. On their arrival at the house they met Dillinger at the door and Frank ~~Zeigler~~ <sup>Zeigler</sup> struck at him. Whilst I- was defending himself from that one the other came and says let me come and I will finish him and struck him under the eye with Brass Knuckles. Quite a number of people were in the street and saw and heard all. Dillinger made complaint of assault with deadly weapons. They were arrested and placed under bonds to appear before the justice Monday morning June 19<sup>th</sup> for examination. Monday morning the examination was put off for at the request of the Co Atty <sup>15 days</sup> and one of the parties has gone to Chicago to the fair.

Sometime ago a man was arrested on a criminal charge and after some delay was to have been tried in the May term of the Dist. Court. The complaining witness not being satisfied with the Co Atty hired Mr Pestina of Russell to assist. When the time <sup>came for</sup> the trial Mr Pestina found it was dismissed without consulting him and he asked the court to have the Atty placed on the stand and answer some questions under oath and I understand he was considerably embarrassed and could not answer all of the questions.

I saw the Atty Ben last winter. He promised me then that when he got time he would do something for us but when I



## Governor Lorenzo Lewelling, Correspondence, Box 3

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wrote him afterwards he had concluded not to appoint any Deputies at any rate without a petition. I had given him a petition in the winter. We have not a lawyer here that would prosecute a Saloon Keeper but Mr Miller an atto of Salina I understand is appointed a deputy for Wallace Co and if we could get him here <sup>or some other good man</sup> we would be satisfied. We would like to have you use your influence and authority to help us in some way out of our trouble and have some one here before any more trials come off. On a trumped up charge they have got Dillinger off to Rush Co and I fear he will not be here to appear in the charge of assault.

I understand that you are expected in Wakeeney July 4<sup>th</sup>. Could you not stop over one train at Hays on your way back. We would be glad to see you.

Very Respectfully Yours

D W Smith

The Hays Lodge I. O. G. T. No. 176. in regular session assembled June 26 1893 and by unanimous vote endorsed the above letter and petition.

C. E. Witts. Sec.

Hattie McClain Sec.



## Governor Lorenzo Lewelling, Correspondence, Box 3

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JAMES J. MCALESTER,  
 UNITED STATES MARSHAL  
 INDIAN TERRITORY.  
 THOS. G. WEEKS,  
 Deputy U. S. Marshall,  
 INDIAN TERRITORY.

Bartlesville, Ind. Ter., Jan 6<sup>th</sup> A. D. 1894

To Governor Lewelling  
 Topeka Kan.

Dear Sir: In introducing myself to you I  
 will say that I am a United States Deputy  
 Marshall commissioned by the Hon. J. J. McAlester  
 of the district of the Indian Territory.

For several months past I have been bothered  
 with whiskey peddlers from several of the border  
 towns (and from the town of Caney in particular)  
 coming down in to the Ind. Ter. and selling whiskey  
 to the Indians. The last batch that came were  
 three notorious caracters from Caney on Newyears  
 eve and sold 10 gallons of some of the most poison  
 whiskey in existence, which resulted in several verry  
 serious affrays and which will ultimately send several  
 Indians to the Pen. It also poisoned some of the Indians  
 to such an extent that it was only by extreme efforts  
 on the part of physicians that their lives were saved.

My object in writing to you is to solicit your aid in  
 capturing these outlaws. I have warrants for their arrest but  
 I cannot serve process on them while they are in the State of Kan.  
 unless you will recognize a requisition. If you will recognize  
 the proper papers I will get them and present them to you as  
 soon as possible. The reason I wrote you before procuring the proper  
 documents was because it would be at my own expence if I failed.

Hoping for a favorable reply I remain  
 Yours Respectfully  
 T. G. Weeks  
 Deputy U. S. Marshall  
 Bartlesville Ind. Ter.



## Governor Lorenzo Lewelling, Correspondence, Box 3

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April 4<sup>th</sup> 1894.  
Gov. Lewelling, APR 7 1894  
Topeka,  
Kansas.  
Dear Sir  
I take the liberty  
of thus addressing you, in the inter-  
est of morality, and for the sup-  
pression of vice in this locality, the  
Town of Litchfield, County of  
Crawford, State of Kansas. Thinking  
that you as chief Executive of the  
State would take an interest in  
the welfare of this community, and  
of your constituency, of which there  
is here a large majority, and would  
devise means by which the laws  
of the State for the following can  
be enforced.  
There is in this town  
two "joints" which are selling  
intoxicating liquor, during the  
week, and Sunday contrary

## Governor Lorenzo Lewelling, Correspondence, Box 3

to the laws of the State and  
the result is, there is drunkenness,  
fighting, and gambling, going  
on continually. There is here  
over three hundred negroes, which  
were brought here from Alabama,  
and Tennessee, to work in the  
coal mines. This element are  
the principal patrons of these  
"joints," and as Sunday is the  
day that they get more intoxicated  
than any other <sup>and</sup> with their pious  
and flights, it is dangerous es-  
pecially for women, to be on the  
streets. As for the enforcement  
of the law, in this case we  
seem here to be powerless.  
I invoke your aid for their enforce-  
ment. Hoping that this will receive  
your attention. I am, Yours, Respectfully,  
G. W. Marshall.  
Burlington, Co. Litchfield. Kansas.





## Governor Lorenzo Lewelling, Correspondence, Box 3

J. T. Allensworth,  
ATTORNEY AT LAW,  
Office 7: A. S. Bank  
Building.

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Atchison, Kans., June 14<sup>th</sup> 1894

Hon L. D. Lewelling  
Topeka

Dear Governor -

For more than two years last past about twenty five places have been maintained in this city where intoxicating liquors have been sold bartered and given to our B. St. Phelps in violation of law. Such places are now existing and such illegal sales, barter and gifts continue to be made. And such illegal disposition of intoxicating liquors have been and are now made, and such places have been and are now permitted with the knowledge, consent and authority of the Police Commissioners of Atchison.

Mr Phelps is now, and for several years has been a habitual drunkard. Consequently his wife

## Governor Lorenzo Lewelling, Correspondence, Box 3

J. T. Allensworth,  
ATTORNEY AT LAW,  
Office 7: U. S. Bank  
Building.

Atchison, Kans., \_\_\_\_\_ 189\_\_

and children are now and have  
been deprived of their support and  
maintenance by reason of such illegal sales &c.  
Therefore, as the attorney of Mrs Phelps  
and her children, I now, respectfully,  
notify you to cause the imme-  
diate abatement of the nuisance  
referred to, and that if this demand  
be not heeded, such abatement  
will be prayed for in an action  
soon to be instituted against your  
Excellency, the said Commissioner and  
the City of Atchison for Ten Thousand  
Dollars damage already sustained  
by the maintenance of the  
nuisances aforesaid for the past-  
two years.

Very Truly Yours.

J. T. Allensworth



## Governor Lorenzo Lewelling, Correspondence, Box 3

*Done answer*  
*Admrs*  
*Mr. C. B. Boring*  
*Box # 75*  
*La Cuyne House*  
*Friday Aug 3/94*  
 To L. D. Lewelling  
 Governor State of Kansas.  
 Dear Sir:-  
 We are here afflicted  
 with two disputable places  
 better known as "joints"  
 I have heard that through  
 your efforts these places  
 were obliged to suspend  
 business in Miami Co  
 Can you not adopt some  
 or similar methods to help  
 us here?  
 I think the Mayor and City  
 Council will aid you in