# AN ACT

### TO BE SUBMITTED TO THE LEGAL VOTERS OF THE STATE OF WASH-INGTON FOR THEIR APPROVAL OR REJECTION

AT THE

### GENERAL ELECTION

TO BE HELD

On Tuesday, the Third day of November, 1914,

Proposed by Initiative Petition No. 3, filed in the office of the Secretary of State, June 16, 1914, commonly known as State-Wide

Prohibition Measure.

(Will appear on the official ballot in the following form)

#### PROPOSED BY INITIATIVE PETITION

INITIATIVE MEASURE NO. 3, entitled "An Act prohibiting the manufacture, sale, or other disposition of intoxicating liquors, except in certain cases; regulating the keeping, use and transportation of the same; providing for the enforcement of this act; and fixing punishments and penalties for the violation thereof."

FOR Initiative Measure No. 3.....

### Initiative Measure No. 3.

### BALLOT TITLE

- "An act prohibiting the manufacture, sale, or other disposition of intoxicating liquors, except in certain cases; regulating the keeping, use and transportation of the same; providing for the enforcement of this act; and fixing punishments and penalties for the violation thereof."
- An Act relating to intoxicating liquors, prohibiting the manufacture, keeping, sale and disposition thereof, except in certain cases, the soliciing and taking of orders therefor, the advertisement thereof and the making of false statements for the purpose of obtaining the same, declaring certain places to be nuisances and providing for their abatement, regulating the keeping, sale and disposition of intoxicating liquors by druggists and pharmacists, the prescription thereof by physicians, the transportation

thereof, and providing for the search for and seizure and destruction thereof, prescribing the powers and duties of certain officers, and the forms of procedure and the rules of evidence in cases and proceedings hereunder, and fixing penalties for violations hereof, and the time when this act shall take effect.

Be it enacted by the People of the State of Washington:

SECTION 1. This entire act shall be deemed an exercise of the police power of the state, for the protection of the economic welfare, health, peace and morals of the people of the state, and all of its provisions shall be liberally construed for the accomplishment of that purpose.

SEC. 2. The phrase "intoxicating liquor," wherever used in this act, shall be held and construed to include whiskey, brandy, gin, rum, wine, ale, beer and any spirituous, vinous, fermented or malt liquor, and every other liquor or liquid containing intoxicating properties, which is capable of being used as a beverage, whether medicated or not, and all liquids, whether proprietary, patented or not, which contain any alcohol, which are capable of being used as a beverage.

SEC. 3. The word "person," wherever used in this act, shall be held and construed to mean and include natural persons, firms, co-partnerships and corporations, and all associations of natural persons, whether acting by themselves or by a servant, agent or employe.

SEC. 4. It shall be unlawful for any person to manufacture, sell, barter, exchange, give away, furnish or otherwise dispose of any intoxicating liquor, or to keep any intoxicating liquor, with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same, except as in this act provided: *Provided*, however, That it shall not be unlawful for a person to give away intoxicating liquor, to be drunk on the premises, to a guest in his private dwelling or apartment, which is not a place of public resort.

SEC. 5. It shall be unlawful for any person owning, leasing, renting or occupying any premises, building, vehicle or boat to knowingly permit intoxicating liquor to be manufactured. sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this act, or to be kept with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same in violation of the provisions of this act thereon or therein; and all premises, buildings, vehicles and boats whereon and wherein intoxicating liquor is manufactured, sold, bartered, exchanged. given away, furnished or otherwise dis-

posed of or kept with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same in violation of the provisions of this act are common nuisances, and may be abated as such, and upon conviction of the owner, lessee, tenant or occupant of any premises, building, vehicle or boat of a violation of the provisions of this section, the court shall order that such nuisance be abated, and that such premises, building, vehicle or boat be closed until the owner, lessee, tenant or occupant thereof shall give bond, with a sufficient surety to be approved by the court making the order, in the penal sum of one thousand dollars, payable to the State of Washington, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, ex changed, given away, furnished or otherwise disposed of thereon and therein, or kept thereon or therein. with intent to sell, barter, exchange, give away or otherwise dispose of the same contrary to law, and that he will pay all fines, costs and damages that may be assessed against him for any violation of this act; and in case of the violation of any condition of such bond, the whole amount may be recovered as a penalty, for the use of the county wherein the premises are situated; and in all cases where any person has been convicted before a justice of the peace of a violation of the provisions of this section, and no appeal has been taken from such conviction, an information or complaint may be filed in the superior court of the county in which such conviction was had to abate the nuisance, and in any such action, a certified copy of the records of such justice of the peace, showing such conviction, shall be competent evidence of the existence of such nuisance.

SEC. 6. It shall be unlawful for any person to take or solicit orders for the purchase or sale of any intoxicating liquor, either in person or by sign, circular, letter, poster, hand bill, card, price-list, advertisement or otherwise, or to distribute, publish or display any advertisement, sign or notice, naming, representing, describing, or referring to the quality or qualities of any intoxicating liquor, or giving the name or address of any person manufacturing or dealing in intoxicating liquor, or stating where any such liquor may be obtained.

SEC. 7. Nothing in this act shall be construed to prohibit a registered druggist or pharmacist from selling intoxicating liquor for medicinal purposes, upon the prescription of a licensed physician, as herein provided, or for sacramental purposes, upon the order of a clergyman, as herein provided, or from selling alcohol for mechanical or chemical purposes only; but it shall be unlawful for such druggist or pharmacist to permit any such liquor to be drunk upon the premises where sold. Every druggist or pharmacist selling intoxicating liquor or alcohol for the purposes above provided shall keep a true and exact record in a book provided by him for that purpose, in which shall be entered at the time of every sale of intoxicating liquor or alcohol made by him or in or about his place of business the date of the sale, the name of the purchaser, his place of residence, stating the street and house number (if there be such), the kind, quantity and price of such liquor or alcohol and the purpose for which it is sold, and, when the sale is for medicinal or sacramental purposes, the name of the physician issuing the prescription or of the clergyman giving the order therefor, and, when the sale is of alcohol for mechanical or chemical purposes, the purchaser shall be required to sign the record of the sale in the book. Whenever any druggist or pharmacist fills a prescription for intoxicating liquor, he shall cancel the same by writing across the face thereof, in ink, the word: "cancelled," with the date on which it was presented and filled, and shall keep the same on file. separate from other prescriptions, and no such prescription shall be filled again. Such book and all prescriptions for intoxicating liquor filled shall be open to inspection by any prosecuting attorney or city attorney, judge or justice of the peace, sheriff, constable, marshal or other police officer, or member of the city or town council. It shall be unlawful for any druggist or pharmacist to fail or neglect to keep such record, or to destroy or in any way alter any such record or entry therein or any prescription filled, or to permit or procure the same to be destroyed or altered, or to refuse inspection thereof to any person entitled to such inspection, or to fail or neglect to cancel any such prescription, or to refill any prescription or to sell intoxicating liquor for medicinal purposes except on a written prescription of a licensed physician, or for sacramental purposes without an order signed by a clergyman, or to sell any alcohol for mechanical or chemical purposes without obtaining the signature of the pur-Provided, That nothing herechaser: in contained shall be construed to prohibit the sale by a druggist or pharmacist of such intoxicating liquor as may be needed by or for a sick person in case of extreme illness where delay may be dangerous to the patient. A druggist or pharmacist who has been convicted of selling intoxicating liquor or of any other act in violation of this section, shall not, within two years thereafter, either personally or by agent, sell intoxicating liquor for any purpose whatsoever; and upon a second conviction of a violation of the provisions of this section, such druggist or pharmacist shall forfeit his right to practice pharmacy, and the justice of the peace or superior judge before whom such druggist or pharmacist is convicted of a second violation of this section shall so adjudge, and shall send a copy of such judgment to the board of pharmacy, who, upon receipt thereof shall forthwith cancel the license of such druggist or pharmacist, and no other license shall be issued by the board of pharmacy to such druggist or pharmacist within two years from the date of such cancellation.

SEC. 8. It shall be unlawful for any licensed physician to issue a prescription for intoxicating liquor except in writing or in any case, unless he has good reason to believe that the person for whom it is issued is actually sick, and that the liquor is required as medicine. Every prescription for intoxicating liquor shall contain the name and address of the physician, the name and quantity of liquor prescribed,

the name of the person for whom prescribed, the date on which the prescription is written, and directions for the use of the liquor so prescribed. Upon the conviction a second time of any licensed physician of a violation of the provisions of this section, it shall be unlawful for such physician thereafter to write any prescription for the furnishing, delivery or sale of intoxicating liquor, and it shall be unlawful for any druggist or pharmacist to knowingly fill any such prescription written or signed by any physician who has been convicted the second time of a violation of the provisions of this section.

SEC. 9. The issuance of an internal revenue special tax stamp or receipt by the United States to any person as a retail dealer in intoxicating liquor, shall be prima facie evidence of the sale of intoxicating liquor by such person at the place of business of such person where such stamp or receipt is posted if, at the time, the stamp or receipt is in force and effect: Provided, That this section shall not apply to druggists. A copy of such stamp or of the records of the United States Internal Revenue office certified to by any United States Internal Revenue officer, deputy or assistant having charge of such records or stamps, which shows that the United States special liquor tax has been paid by any person charged with selling, bartering, exchanging, giving away, furnishing or otherwise disposing of intoxicating liquor in violation of this act, shall be competent and prima facie evidence that the person whose name appears on said records or stamp, as shown by said certified copy has paid the special liquor tax for the time stated therein.

SEC. 10. It shall be unlawful for any person to directly or indirectly keep or maintain by himself or by associating with others, or to in any manner ald, assist or abet in keeping or maintaining any club house or other place in which intoxicating liquor ts received or kept for the purpose of use, gift, bartef or sale or for the purpose of distribution or division among the members of any club or association.

SEC. 11. If, upon the sworn complaint of any person, it shall be made

to appear to any judge of the superior court or justice of the peace that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this act, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such liquor, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the return shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such intoxicating liquor, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

Upon the return of the SEC. 12. warrant as provided in the next preceding section, the judge or justice of the peace shall fix a time not less than ten days, and not more than thirty days thereafter, for the hearing of said return when he shall proceed to hear and determine whether or not the articles so seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this act. At such hearing, any person claiming any interest in any of the articles seized may appear and be heard upon filing a written

claim setting forth particularly the character and extent of his interest. but upon such hearing the sworn complaint or affidavit upon which the search warrant was issued and the possession of such intoxicating liquor shall constitute prima facie evidence of the contraband character of the liquor and articles seized, and the burden shall rest upon the claimant to show, by competent evidence, his property right or interest in the articles claimed and that the same were not used in the violation of any of the provisions of this act, and were not in any manner kept or possessed with the intention of violating any of the provisions of this act. If, upon such hearing, the evidence warrants, or if no person shall appear as claimant, the judge or justice of the peace shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: Provided, however. That if in the opinion of the justice of the peace or judge, any of such forfeited articles other than intoxicating liquor are of value and adapted to any lawful use, such judge or justice of the peace shall as a part of the order and judgment direct that said articles other than intoxicating liquor shall be sold as upon execution by the officer having them in custody and the proceeds of such sale after payment of all costs in this proceeding shall be paid into the common school fund of the school district in which the same were seized. Action under this section and the forfeiture, destruction or sale of any articles thereunder shall not be a bar to any prosecution under any other provision or provisions of this act.

SEC. 13. In any action or proceeding under this act or under any other law relating to the unlawful disposition or possession of intoxicating liquor, no person shall be excused from testifying in any court or before any grand jury, on the ground that his testimony may incriminate him, but no person shall be prosecuted or punished on account of any transaction or matter or thing concerning which he shall be compelled to testify, nor shall such testimony be used against him in any prosecution for any crime or misdemeanor, under the laws of this state.

SEC. 14. Any citizen or organization within this state may employ an attorney to assist the prosecuting attorney in any action or proceeding under this act, and such attorney shall be recognized by the prosecuting attorney and the court as associate counsel in the case, and no prosecution shall be dismissed over the objection of such associate counsel until the reasons of such prosecuting attorney for such dismissal, together with the objections of such associate counsel, shall have been filed in writing, argued by counsel and fully considered by the court.

SEC. 15. The county auditor of each county within this state shall procure and keep, as a part of the records of his office, a well bound book of blank applications for permits to ship or transport intoxicating liquor. Any person desiring to ship or transport any intoxicating liquor shall personally appear before the county auditor and shall furnish him the necessary information to fill in a blank application, which application shall contain the name of the applicant, the statement that he is over twenty-one years of age, the person, firm or corporation from whom said shipment is to be made, the place from which said shipment is to be made, and to what point the same is to be made, a statement that the applicant is not the holder of any internal revenue special tax stamp or receipt from the United States Government, authorizing him to sell or to deal in intoxicating liquor, and a statement that he has not theretofore been convicted of any violation of the laws of the state, relating to intoxicating liquor. Such facts shall be incorporated by the county auditor in one of said blank applications, and said application shall be signed by the applicant and sworn to by him before the county auditor or his deputy. Upon the applicant signing said application and taking the necessary oath thereto, the auditor shall issue a permit for the shipment or transportation of intoxicating liquor. Such permit shall be printed upon some shade of red paper,

and shall be substantially in the following form:

not exceeding in quantity one-half gallon of intoxicating liquor other than beer, or twelve quarts of beer.)

This permit can only be used for one shipment and will be void after thirty days from the date of issue.

Dated this.....day of....., 19...

## County Auditor.

This permit shall be attached to and plainly affixed in a conspicuous place to any package or parcel containing intoxicating liquor, transported or shipped within the State of Washington, and when so affixed, shall authorize any railroad company, express company, transportation company, common carrier, or any person, firm or corporation operating any boat, launch or vehicle for the transportation of goods, wares and merchandise within the State of Washington, to transport, ship or carry not to exceed one-half gallon of intoxicating liquor other than beer, or twelve quarts or twenty-four pints of beer. Any person so transporting such intoxicating liquor shall, before the delivery of such package or parcel of intoxicating liquor, cancel said permit and so deface the same that it cannot be used again. It shall be unlawful for any person to ship, carry or transport any intoxicating liquor within the state without having attached thereto or to the package or parcel containing the same, such permit, or to transport or ship under said permit an amount in excess of the amount or quantity hereinbefore limited. Any applicant desiring to have a permit issued to him under the terms hereof shall pay to the county auditor issuing the same the sum of twentyfive cents, which sum shall be accounted for by such auditor, as other fees of his office. This section shall not apply to registered druggists or pharmacists actually engaged in business within the state.

SEC. 16. It shall be unlawful for any person to take out or have issued to him more than one permit as provided for in the preceding section, in any twenty-day period. This section shall not apply to registered druggists or pharmacists actually in business within the state.

SEC. 17. Any registered druggist or pharmacist actually engaged in business within the state, desiring to transport or ship any intoxicating liquor within this state, shall make and file with the county auditor a statement in writing, under oath, which statement shall contain the name of the said druggist or pharmicist, the name under which he transacts business, or if made by the agent of a corporation or a co-partnership, shall state the name of such corporation or co-partnership, and the official position or connection of the person making said statement with said firm or corporation, the location of the place of business of said persons, firm or corporation; that he, they or it is regularly engaged in business as a druggist or pharmacist, at such point; and that it is necessary from time to time to make shipments of intoxicating liquor, and that such liquor is not to be sold in violation of the laws of the state, but is obtained for use for purposes permitted by this law only; that the applicant for such permit or any of the members of the said partnership, as a partnership, or of the officers, agents or servants in the employ of said corporation and in charge of its business at such location, have not been theretofore convicted of any violation of the laws relating to intoxicating liquor of the State of Washington. It shall be the duty of the county auditor to file said application, when properly sworn to, and give the same a serial number, and thereafter said applicant shall, from time to time, as he, they

or it, desire to make shipments of intoxicating liquor for lawful purposes, file with said county auditor a written request for permits, giving the serial number of said application on file. Such requests need not be sworn to, but shall be signed and shall state the place from which such shipment is to be made, and to whom, and the name and quantity of intoxicating liquor to be shipped. Upon receipt of such written request from any druggist or pharmacist, in good standing as hereinafter specified, said county auditor shall issue and deliver to said druggist or pharmacist a permit, in substantially the following form:

PERMIT TO DRUGGIST OR PHARMACIST TO TRANSPORT INTOXICATING LIQUOR.

Dated this....day of...., 19....

## County Auditor.

Such permit shall be printed upon ordinary white paper, and the county auditor shall keep the applications and requests therefor on file in his office as a part of the records of his office, and as each permit is issued, shall endorse on such application "permit issued" with the date of issue.

SEC. 18. It shall be unlawful for any express company, railroad company or transportation company, or any person, engaged in the business of transporting goods, wares and merchandise, to knowingly transport or convey any intoxicating liquor within this state, without having a permit issued by the county auditor for the transportation of such intoxicating liquor affixed in a conspicuous place to the parcel or package containing the liquor, or to deliver such liquor without defacing or cancelling such permit so that the same cannot be used again. It shall be unlawful for any person to knowingly receive from any railroad company, express company, transportation company or any person engaged in the business of transporting goods, wares and merchandise any intoxicating liquor without said intoxicating liquor having a permit issued by the county auditor for such shipment attached thereto and properly cancelled.

SEC. 19. No county auditor shall issue a permit to any person or druggist or pharmacist who has been convicted of the violation of any of the liquor laws of the state, or to any person other than a druggist or a pharmacist, who is the holder of an internal revenue special tax stamp or receipt, issued by the United States Government, permitting or relating to the sale of intoxicating liquor, or to any person not a registered druggist or pharmacist who has, within twenty days immediately preceding, obtained a permit for the shipment of intoxicating liquor.

SEC. 20. It shall be unlawful for any person, to ship, transport or consign any intoxicating liquor, or for any express company, railroad company, transportation company, or any person, engaged in the business of transporting goods, wares and merchandise, to knowingly transport or convey any intoxicating liquor within this state, or for any person to knowingly receive from any express company, railroad company, transportation company or any person engaged in the business of transporting goods, wares and merchandise any intoxicating liquor, unless the package or parcel containing such liquor be clearly and plainly marked in large letters:

#### "THIS PACKAGE CONTAINS INTOX-ICATING LIQUOR."

SEC. 21. It shall be unlawful for any person to make a false statement to a physician, druggist or pharmacist for the purpose of obtaining intoxicating liquor or alcohol, or to the county auditor for the purpose of obtaining a permit for the shipment of intoxicating liquor, or to any railroad, express or transportation company, or any person, engaged in the business of transporting goods, wares and merchandise for the purpose of obtaining the shipment, transportation or delivery of any intoxicating liquor.

SEC. 22. It shall be unlawful for any person to have in his possession more than one-half gallon or two quarts of Intoxicating liquor other than beer, or more than twelve quarts or twenty-four pints of beer: *Provided*, *however*, That this section shall not apply to registered pharmacists or to persons keeping alcohol, to be used for mechanical or chemical purposes only.

SEC. 23. In any prosecution for the violation of any provisions of this act, it shall be competent to prove that any person had in his possession more than two quarts of intoxicating liquor other than beer, or more than twelve quarts of beer, and such possession and the proof thereof, shall be prima facie evidence that said liquor was so held and kept for the purposes of unlawful sale or disposition.

SEC. 24. The provisions of this Act relating to the shipment or having in possession of intoxicating liquor shall not apply to shipments transported by any common carrier of unbroken packages of intoxicating liquor in continuous transit through this state from a point outside of the state to another point outside of the state.

SEC. 25. The provisions of this Act shall not be construed to prohibit the manufacture of vinegar, sweet cider or unfermented fruit juice for domestic consumption or for sale, nor to prohibit the manufacture and sale of denatured alcohol.

SEC. 26. If any provision or section of this Act shall be held void or unconstitutional, all other provisions and all other sections of the Act, which are not expressly held to be void or unconstitutional, shall continue in full force and effect.

SEC. 27. Every justice of the peace or superior judge shall recognize and act upon any sworn complaint of a violation of this act filed by any citizen of the state in the same manner and to the same extent as though the same were filed by a prosecuting officer.

SEC. 28. Within ten days after the date when this act has become operative, every person except registered druggists and pharmacists shall remove or cause to be removed all intoxicating liquor in his possession from the state, and failure so to do shall be prima facie evidence that such liquor is kept therein for the purpose of being sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this act: Provided. however. That this section shall not apply to alcohol kept for chemical or manufacturing purposes, or to one-half gallon of intoxicating liquor, other than beer. or twelve quarts or twenty-four pints of beer held by an individual: and, Provided, further. That for said tenday period of time, it shall not be necessary to obtain any permit or permits for the shipment of any such intoxicating liquor, lawfully held within the state at the date this act goes into effect, to points outside of the state.

SEC. 29. It shall be unlawful for any person other than a common carrier to transport, carry or bring into this state any intoxicating liquor in excess of one-half gallon of liquor other than beer, or twelve quarts or twenty-four pints of beer, within any twenty-day period.

SEC. 30. It is hereby made the duty of the attorney general to enforce the provisions of this act, and prosecute violations thereof in any county where the prosecuting attorney of such county fails, neglects or refuses to enforce the provisions hereof and said attorney general may assist the prosecuting attorney of any county in any prosecution for the violation of this act.

SEC. 31. All persons convicted of any violation of this act where the punishment therefor is not herein specifically provided shall be punished by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment.

SEC. 32. Any person convicted the second time of the violation of this act shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and by imprisonment in the county jail for not less than thirty days nor more than six months; and any person convicted the third time of a violation of the provisions of this act shall for such third and each subsequent violation be fined not less than two hundred fifty dollars, nor more than five hundred dollars, and be confined in the county jail for not less than three months, nor more than one year. Prosecuting attorneys and justices of the peace having knowledge of any previous conviction of any person accused of violating this act shall in preparing complaints, informations or indictments for subsequent offenses, allege such previous conviction therein and a certified transcript from the docket of any justice of the peace or a certified copy of the record under seal of the clerk of any court of record shall be sufficient evidence of any previous conviction or convictions of violations of this act.

SEC. 33. This act shall take effect and be in full force and effect from and after the first day of January, 1916.

STATE OF WASHINGTON-88.

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Filed in the office of the Secretary of State, January 8th, 1914.

I. M. HOWELL, Secretary of State.

### ARGUMENT FOR Initiative Measure No. 3.

STATE-WIDE PROHIBITION.

### FACTS, NOT THEORIES.

The best argument for or against State-Wide Prohibition is the experience of a State that has tested it out. The statistics and statements of facts herein shown can easily be verified by addressing Governor Geo. H. Hodges, Topeka, Kansas, and enclosing postage. Kansas has had prohibition for thirty (30) years and under it in spite of agricultural disaster, so frequent in earlier years as to give it the name of "Bleeding Kansas," has become the richest state per capita in the Union. Assessed valuation is \$1,750.00 per capita. Assessed valuation of Missouri, a license state adjoining Kansas, is less than \$300.00 per capita. Kansas has bank deposits of \$120.00 per capita; Missouri, \$20.00 per capita. Kansas under prohibition spends \$1.48 per capita for liquor; Missouri under license spends \$24.00 per capita. Every man, woman and child in Kansas has just \$22.52 more to spend for food, clothing, education and entertainment than the Missourian. In Kansas one farmer in five owns an auto; in Missouri, one in one hundred. In Missouri common labor receives \$8.00 per week. In Kansas \$14.00 per week. Why? In Missouri there are 4,000 saloons into which the people pay Eighty Millions Dollars per year. In Kansas there are no saloons. Kansas creates wealth faster than any state in the Union. The state tax rate is \$1.04 on \$1,000. In Washington the State tax is \$8.06 on \$1,000.00. Kansas has 105 Eighty-seven have no incounties. sane; ninety-six have no inebriates; fifty-four have no feeble minded: fiftythree no prisoners in jails; sixty-five no prisoners in the penitentiary. Kansas has practically no paupers and as a consequence the poor farms in fortynine counties have been turned into experimental stations under the control of the State Agricultural College and are called Prosperity Farms. Kansas death rate is seven in one thousand. Missouri, seventeen.

The North American (Phila.) says, "Something is the matter with Kansas." It is found in the clause in her Constitution which reads: "The manufacture and sale of intoxicating liquor shall be forever prohibited in this state. It is this defiance of what other states have legalized as a "necessary" evil that has helped to make her citizens the richest per capita in the country and the richest of any agricultural folk in the world; that has given her a permanent school fund of \$10,000,000 and has reduced her illiteracy to an almost negligible quantity. It is this insistence upon what slaves of custom always have sneered at as "impractical," that has given her a balance of more than a million and a quarter in her state treasury and no bonded debt, save \$370,000 held by the permanent school fund; this alone that makes possible the statement that 98 per cent. of her 400,000 school children never have seen a saloon. Yes; something's the matter with Kansas. Of what it is there can be no doubt in the mind of any unprejudiced observer. And in view of the effect in the Sunflower state, there is little wonder that an increasing number of persons believe that this nation will be past the most dangerous rocks in its course when the thing that is the matter with Kansas is the matter with every square mile of territory from Eastport to San Diego and from Walla Walla to Key West."

Prohibition in Washington would mean increased wealth, low taxes and prosperity just as it has in Kansas.

#### STATE-WIDE PROHIBITION COM-MITTEE OF WASHINGTON.

STATE OF WASHINGTON-88.

Filed in the office of the Secretary of State, June 25, 1914.

I. M. HOWELL, Secretary of State.

### Argument Against Initiative Measure No. 3. STATE-WIDE PROHIBITION.

### FACTS, NOT THEORY.

The State-wide Prohibition Committee of Washington, in its official argument in behalf of Initiative Measure No. 3, gives what purports to be statistics concerning conditions in Prohibition Kansas. These alleged statistics are taken from speeches made by Governor Hodges and Attorney General Dawson of Kansas, leaders and campaigners in the cause of prohibition.

The figures quoted are not taken from any recognized authority and do not state the facts.

They will be taken up in this answer in the order in which they are set forth in the argument for the bill.

The true value of all wealth, by states per capita, in 1904, the latest report available, is found on page 44 of the Special Report of the Director of Census on Wealth, Debt, and Taxation. Kansas is there credited with \$1,468. Washington had \$1,806 at the same time. In Kansas only \$44 per capita were exempt from taxes, while the Washington exemptions totaled \$112 per capita. The true value of all property in Missouri was \$1,147 per capita with per capita exemptions of \$49.

The report of the comptroller of the currency up to June 4, 1913, the latest from the government presses, page 49, shows total bank deposits in Kansas per capita of \$100.12 with \$4.12 per capita in savings banks. On the same day Missouri had total deposits per capita of \$137.43 with \$12.50 in savings; Washington, \$129.82 total deposits and \$37.62 savings.

Kansas with 1,792,000 persons, government estimate, had 39,881 automobiles on June 30, or one for each 44.9 persons. Washington with 1,362,000 persons on the same day had 36,405 automobiles or one for each 37.4 persons.

There is no way to tell how much Kansas spends per capita for liquor as the bootleggers do not keep books, but Kansas people do ship in liquor which is registered under the law, and the reports filed with the county clerks show total registered individual shipments of 18,000,000 quarts of liquor in 1913, mostly whiskey.

Insanity in Kansas has more than doubled during twenty years of Prohibition. In 1890 Kansas had 88.4 insane persons for each one hundred thousand of its population. In 1910 it had increased to 172.2 (See page 76 of the Statistical Abstract of the United States for 1912) and on June 1st, 1914, the number was 202.4. (Report Kansas State Board of Control.)

The facts are that in 1913 Kansas had 4,883 inmates in its county jails. (Reports of County Sheriffs, 1913.) In June, 1914, Kansas had 892 penitentiary inmates and Washington 666. Kansas had 385 reformatory inmates and Washington 332. Kansas had 3 .-Washington 2.719. 427 insane and Kansas had 448 juvenile delinguents and Washington 308. (Figures taken from reports of the State Board of Control, Kansas, and State Board of Control. Washington.)

According to a table on page 73 of the Statistical Abstract of the United States for 1912 paupers per 100,000 in alms houses on January 1, 1910, were: Kansas 43.5, Alabama 34.7, Florida 27.5, Louisiana 11.3, Minnesota 33.1, Idaho 29.8, So. Dak. 24.8 and Wyoming 13.

Kansas is not in the registration area, hence the death rate is an unknown quantity. The death rate of Missouri is 13.1 instead of 17 and Washington is 8.9, the lowest in the Union.

Nebraska, Colorado, Washington, Oregon and California all exceed Kansas in per capita expenditures for educational purposes. Kansas per capita is \$25.63; Washington, \$49.36; Nebraska, \$28.45; Colorado, \$33.60; Oregon, \$49.29; California, \$51.87. (See pages 118 and 119 of the Statistical Abstract of the United States for 1912.)

The State-wide Prohibition Committee in its official argument in behalf of Initiative Bill No. 3 gives only one authority, Governor Hodges of Kansas, and he is a rabid Prohibitionist.

In this answer the statistics given are taken from the latest available Statistical Reports of the Census Bureau of the United States Government, the highest authority in existence, and from Official State Records. This state is big enough to decide its own question without having to go to the Governor of Kansas for dictation. The citizens of the State of Washington are invited to address him for such verification. Governor Hodges may therefore be called upon to answer 350,000 inquiries, the Voting population of the State of Washington. He could not possibly personally answer more than 100 inquiries per day. It is therefore evident that the answers have been already prepared by the Anti-Saloon League.

A pamphlet used by the Anti-Saloon League and circulated throughout the State, is evidence of the methods used by the opposition. The man labeled the "Finished Product" was found after the entire state had been scoured and was made drunk on liquor bought and paid for and served to him by the Anti-Saloon League. They got him drunk and then took his picture.

Initiative Bill No. 3 would destroy taxable property in this state worth more than \$17,000,000; wipe out an annual pay roll of more than \$8,000,-000; would destroy revenues and taxes of \$2,600,000; destroy a hop crop sold last year for \$1,320,000 and valued this year at \$1,800,000, an industry employing 15,000 people, an annual malt and barley crop of 3,200,000 bushels, \$800,-000 worth of which is used locally: depreciate the value of 216,000 acres of barley lands and 5,500 acres of hop lands, causing a loss of more than \$2,-000,000; would lose to the state more than \$2,000,000 for 300,000 barrels of beer brewed here and sold in other states and countries; would lose to business \$12,000,000 now spent annually in trade channels; and would throw 8,-300 men out of employment and deprive 33,200 other persons dependent on them of their bread and butter.

The loss in values caused by such a law would reach the stupendous total of \$43,000,000 in a single year.

This is not a fight for or against temperance. Temperance and prohibition are not the same. Temperance is self enforced. Prohibition is force applied by one set of individuals to or against another set. The question at issue is not moral, for no attempt is made by this bill to prevent the use of liquor. To the contrary it is encouraged under section 15, which provides that every person of legal age may secure one half gallon of liquor or 12 quarts of beer every twenty days.

To the individual the bill says: "You may have all the liquor you want but you must not spend your money at home. You may have a case of beer every twenty days, but it must not be made by Washington labor from Washington grown barley or hops in a Washington brewery."

To the 8,300 men at work in the liquor industry the Prohibitionist says: "You must find employment in other lines. Go out and be barbers, carpenters, plumbers, teamsters, waiters, clerks, hod carriers and brick layers, and this in a state whose labor market is already seriously overcrowded.

Washington has a local option law today under which communities can eliminate the saloon where such action is favored by a majority and this already has been done. The licensed saloons in the cities are under constant police supervision and public observation; remove them and the traffic in this state would be driven to secret haunts as it is in Kansas and Maine today. Prohibitory laws do not remove the appetite for liquor. They merely change the channel through which the supply is received.

Initiative Bill No. 3 would destroy police supervision and public observation of the liquor traffic. Initiative Bill No. 3 would place a premium on crime. It would make liars and perjurers of men and women as similar legislation has done in other states.

Between the years 1900 and 1910 the population of Kansas increased only 15 per cent., while during the same period the population of Washington increased 120 per cent.

The State of Washington is inviting tourists of the world to visit this commonwealth. Already agitation for Prohibition has caused a decrease in travel. Tourists always avoid a so-called "Dry" State.

Initiative Measure No. 3 would send millions out of the state annually to pay for liquor consumed within the state with no resulting material or moral compensation.

The ocean is in front of us. British Whiskey Columbia is to the north. smuggling and its distribution through secret and vicious channels would monopolize all the activities of all the state, county and municipal law machinery in the impossible task of enforcement.

BREWERS ASSOCIATION OF THE NORTH-WEST.

By Louis Hemrich, President.

STATE OF WASHINGTON-88. Filed in the office of the Secretary of State, July 3, 1914. I. M. HOWELL, Secretary of State.

#### Argument Against Initiative Measure No. 3. STATE-WIDE PROHIBITION.

#### REFLECT SERIOUSLY-DISMISS FEELING-ACT SLOWLY.

Measure No. 3 is an eastern yellow journal's scream, a summary of Attorney General Dawson's and Governor Hodges' Kansas political speeches, with a request to write and ask Governor Hodges if he tells the truth or not. Dawson's printed speech, page 7, not quoted in "argument," admits "that there is some illicit selling in Kansas is undeniable," and page 14 that "It is often said that prohibition does not prohibit. And that is true." The purported "facts" are half truths, the most vicious form of special pleading. Some Kansas counties "have no prisoners in jail," but some counties are too poor to have jails. Ottawa Herald, Jan. 6, 1914, gives jail population in 1913, 3 counties missing, as 4,883, or 1 in 366.9. Some Kansas counties have no "poor farms." The reason is they "board out" paupers. See p. 182, 2d report, Kansas Board of Control, Charitable Institutions; page 385 same report says "there is doubtless a real increase in the percentage of insanity in Kansas as elsewhere." In 1909 4,500 federal liquor licenses were issued for Kansas, one for 344 of population-report Kansas Collector Internal Revenue 1909. According to U.S. Census Bulletin No. 163 Kansas has lowest percentage church membership of 12 North central states. Page 976 above census rep. shows Kas. spent \$402,999 on police and \$110,954 on jails, to Washington's \$232,032 police, and \$41,077 jails. Most of "best argument's" figures can be exploded by reference to Abstract of the census and other official documents. If writing to Governor Hodges, also write Bishop Lillis, Kansas City, Kansas, who,-Harper's Weekly of Dec. 24, 1910, said-"Absolute prohibition has proven impracticable, if not indeed a dismal failure." Glowing assertions given in the "best argument" will also be found to be dismal failures.

No act can dispose of a question involving religion, public and private morals, taxes, revenue, industry, business, mental and physical health and welfare, politics and each individual. Prohibition is un-christian. Grapes and their natural fermentation are the Creator's acts. Christ drank wine and made it at Cana. Bibical wine was fermented alcoholic wine, not mere grape

The "best argument" for Initiative easure No. 3 is an eastern yellow urnal's scream, a summary of Attorog General Dawson's and Governor odges' Kansas political speeches, with request to write and ask Governor odges if he tells the truth or not. awson's printed speech, page 7, not www.exerceated the truth or not. awson's printed speech, page 7, not underiable," and page 14 that "It is ten said that prohibition does not ohibit. And that is true." The pur-

Prohibtion is unscientific, ignoring vital facts of biology, physiology, and psychology, stated by leading authorities, American and foreign, who oppose prohibition; though agreeing on the evils of alcoholism. Lombroso on Crime, Little Brown & Co., pubs. 1912, Chapter III, says of prohibitory laws that their "lack of success is due especially to the fact that no repressive law can accomplish its purpose, when it runs counter to our instincts. Now among these instincts is that desire for psychic stimulation such as one may get from wine, a need which increases with the progress of civilization." Saleeby on Worry, N. Y., F. A. Stokes Co., "it is certain beyond "ertainty that neither denunciation nor warning, nor legislation, nor any other measures whatever will wean mankind as a whole from its addiction to alcohol." Prof. Munsterberg, the Harvard psychologist, in McClure's Magazine says: "To say that certain evils come from a certain source suggests only to fools the hasty annihilation of the source before studying whether greater evils might not result from its destruction. and without asking whether the evils might not be reduced, and the good from the same source remain untouched and untampored with." Krafft. Ebing, Kiernan, Spitzka and other alienists show that intolerance of alc hol is an expression of degeneracy. "Such total abstainers," says Dr. E. S. Talbot in his book on Degeneracy, "leave degenerate offspring in which degeneracy assumes the type of excess in alcohol as well as even lower phases,"

Prohibition is uneconomic. Federal income tax estimates for 1914, \$87,-000,000. Estimated tax receipts from liquors \$228,000,000. Under nation wide prohibition to meet such a defi-

cit, a \$25 income tax would become \$62.50. With state wide prohibition this state's taxes will increase exactly as the nation's would. Loss of revenue in one way must be made up in anoth-Will the already over-burdened er. submit? Wherever prohibition exists taxes have had to be increased without corresponding benefits. In 1906 in 41 states average tax rate on \$100 was in 343 prohibition towns \$2.54, as against \$1.58 in 846 license towns. Taxes were 61 per cent, higher in the prohibition towns. Do you want your taxes increased 61 per cent.? Galveston News says, special taxes had to be levied in Texas' prohibition towns to offset loss of liquor license revenue. In 29 Kansas towns tax rate has been as high as \$5.63 per \$100. Prohibiting manufacturing beer in this state affects sixtyone trades and unions. Breweries of British Columbia, Oregon, Idaho and any other state can and will ship into every corner of the state, and into present dry areas, their product at the expense of Washington capital, labor and farmers. Prohibitionists argue beer production is not "useful." This argument would prohibit every church picnic, "movie," newspaper, and things not made for food, clothing and shelter. Under civilization, man's pleasures, aesthetic, intellectual and social are as important to him as are bare utilities. It should bear weight on the economic side that Theodore Roosevelt, Progressive; William Howard Taft, Republican, and Woodrow Wilson, Democrat, are not Prohibitionists.

Prohibition's impracticability is not a question for assertion but fact. Any one can secure official facts, by writing to the Commissioner of Internal Revenue, and asking if it is not true that nearly one-third of the government's Spanish war revenue was raised by the beer tax and that without it the government would have been badly crippled, or else all taxes increased a third; also, if Kansas, pet prohibition state, has not a greater number of federal liquor licenses in proportion to population than almost any other state. As the Mayor of prohibition Nashville in statement to Oregon in 1910 said: 'If you want your tax rate increased, your revenue reduced, real estate values decreased and business in general hampered without promoting temperance, morality, or reducing the amount

of liquor consumed, favor state wide prohibition."

Prohibition is immoral, being based on false assumptions that man can be legislated into morality. As Rev. P. G. Duffy said, North American Review, Dec., 1908, "to place the blame on the thing abused, and nct on the abuser is to avoid the whole question." Moreover, whenever the use of alcohol has been prohibited the use of dangerous and deadly drugs has increased. Rev. W. A. Wasson of the Episcopal Church well said, Pearson's Mag., Aug., 1909, "the prohibition propaganda parades in the livery of heaven" but is "the supreme immorality that confronts and threatens the Christian church in this country." With such eminent Protestant clergymen as the reverend Washington Gladden, Lyman Abbott, Geo. Trumbull Ladd and Dr. Parkhurst; with the venerable Cardinals Gibbons and Logue among the many of all sects outspoken against prohibition, it's advocates cannot claim all morality theirs, nor all opposing them to be agents of Satan.

You can get drunk on any liquor under this bill. Sec. 4, 15, 16 provides that any adult can buy half a gallon of spirits or 12 quarts of beer every 20 days to drink in his home or give to guests. He can drink about a gill of brandy a day or tank up on 3 gallons of beer in one day. Sec. 7 provides that druggists may sell liquor needed by persons extremely ill, and alcohol for mechanical or chemical purposes only. These loopholes are open as barndoors. Cases of deadly ailments will increase. Mechanics and chemists will be numerous. Sec. 25 permits the manufacture and sale of denatured alcohol. This will let every bootlegger and blind pigger ply their trade.

The idea of calling such a bill a prohibition law is absurd. It is full of holes and leaky as an old sieve. It puts out of business the breweries and the many industries connected therewith; it will change now legalized and tax-paying saloons into law-breaking, non-taxpaying bootleggers and blind pigs. It should be called a bill to encourage secret vice and lawbreaking.

ANTI-PROHIBITION ASSOCIATION. By Erastus Brainerd Vice President.

STATE OF WASHINGTON-88.

Filed in the office of the Secretary of State, July 6, 1914. I. M. HOWELL, Secretary of State.

### Argument Against Initiative Measure No. 3. HONEST FACTS IN OPPOSITION.

The History of prohibition, in states where it has been tested, is such that, if proper consideration were given the subject, few persons would vote for initiative Bill No. 3, which should be properly entitled "An act in favor of breweries located outside of the state, and against those within the state employing labor here, living here, and paying taxes here."

This bill imposes upon the citizen, who uses liquor as a beverage, and not to excess, a restriction that will engender disregard for this bill itself, and disrespect for laws in general.

It is unnecessary and vicious legislation, as the State of Washington, has a local option law, under which any community may eliminate the saloon, where such an action is desired by a majority. Initiative Bill No. 3 would destroy local self-government, which is dear to the heart of every American and represents the basic principles of our Constitution.

On April 7th of this year President Wilson reiterated his declaration made to Rev. Thomas B. Shannon, of Newark, New Jersey, "I am in favor of local option, and I am a thorough believer in local self-government, and believe that every self-governed community, which constitutes a social unit, should have the right to control the matter of the regulation or the withholding of license."

Section 15 of the Anti-Saloon Bill No. 3 provides for the purchase of more liquor outside of the state and the shipment of the same into the state than is at present drank within the state, but no provision is made for the manufacture within the state. The Anti-Saloon League makes ample provision for the importation into the state of liquor of all kinds but makes it a crime to manufacture beer within the state.

The State of Washington is, geographically, particularly adapted to the manufacture of beer, owing to the high quality of hops and barley grown within its borders. Washington breweries manufacture a quality of beer that is second to none in the world, and have built up an export business valued at over \$2,000,000 annually, and bring that sum back into this state to be paid out in wages for labor, to circulate and add to the wealth of the state.

Every chamber of commerce and

commercial club within this state is making an earnest endeavor to induce immigration and to secure additional capital for public enterprises. The adoption of this law would force over thirty thousand men out of employment, and compel them to leave the state or to seek work along other lines, which are now overcrowded.

The prohibitionists quote Kansas as a model prohibition state, and rely upon their perverted facts and figures to establish the alleged beneficial effects of prohibition. The report of the Comptroller of the Currency, June 4, 1913, page 49, shows total bank deposits in Kansas per capita \$100.12, with \$4.02 per capita in savings banks; Washington deposits \$129.28 per capita, and \$37.62 per capita in savings banks for the same period. Nebraska, Colorado Washington, Oregon and California, all exceed Kansas in per capita expenditure for educational purposes. Kansas per capita is \$25.63. Washington. \$49.36. Nebraska, \$28.45, Colorado, \$33.60, Oregon, \$49.21, and California. \$51.87. (See pages 118 and 119 of the Statistical Abstract of the United States for 1912).

The government census for 1910, showing population from 1900 to 1910. show an increase for North Carolina of 17 per cent., Tennessee 8 per cent., Maine 7 per cent., and Kansas, 15 per cent., all dry states, while Washington, an increase of 120 per cent., the greatest in the Union. This unprecedented increase in the population of the State of Washington indicates that people migrate to a wet state where there are great business opportunities, and not to dry states where restrictive legislative measures create high taxation and business depression, as well as wilful interference with personal liberty.

The people of this state would be wise to exercise care in the legislation they demand, and be slow to adopt new and radical changes in their laws. Washington is a new state, with wonderful possibilities, and the adoption of radical laws will prevent development and be our own undoing.

ment and be our own undoing. The growing of hops and barley in this state is one of the important industries that would be destroyed by this bill. The hop crop of the State of Washington in 1913 sold for over \$1,320,000, and from a conservative

estimate placed upon the crop 'for 1914. the value will exceed \$1,800,000. In 1913 there were 15,000 persons employed in picking hops, and one-half the total value of the crop was paid out in labor. Washington has 5,500 acres of land growing hops at this time, valued at \$2,250,000. Hop yards are valued at between \$400 and \$500 per acre. While the same land, without the growth of hops, would have a value of but \$150 to \$200 per acre, which means a loss of over \$1,650,000 to the hop grower and a like amount of taxable property, lost to the state, and other property will have to bear increase in tax levy. Initiative Bill No. 3 does not alone affect hop growers but will affect taxpayers in an increase in taxes. This bill would destroy the hop and barley industry as we would have no market at home, and outside manufacturers will not buy hops from a prchibition state.

The annual barley crop of 3,200,000 bushels, of which \$800,000 worth is used per annum locally for malting purposes, would be greatly decreased and the value of 216,000 acres of barley land would also decrease.

Initiative Bill No. 3 destroys the brewing industry, wipen out revenue and taxes paid to the state and municipalities, but does not prevent the consumption of alcohol. The desire of mankind for alcohol will result in the secret manufacture. Every article of food contains alcohol in varying quantities, and a mixture of sugar and yeast, permitted to ferment, will result in a liquid from which alcohol can be made, by distilling the same as water is distilled to purify it.

The Anti-Saloon League, by Initiative Bill No. 3, seeks to destroy, and not to create industries in this state. Its agitators, composed of political preachers, seeking publicity in the limelight of prohibition, living a transitory existence from city to city, are united in their efforts to destroy the brewing, hop and barley industries.

People of this age do not confine themselves to the bare necessities of life. If they did there would be but few mercantile establishments of any kind.

Five cents spent for a glass of beer is not all profit, and does not go out of circulation. Five cents spent for beer is divided into many channels of trade. The farmer gets his portion for

barley and hops. The transportation companies get theirs for hauling, and pay out a portion to employes. A part goes to expenses of federal, state and municipal governments. The saloonman pays \$25 a year to the government, \$25 to the state, \$1,000 a year to the city. Then comes rent, light, heat, state, county and city general taxes, insurance, salaries, and this is not all; the various brewery workers must have their portion of the nickel. All the men engaged in the numerous activities necessary to the production and sale of beer must have clothing and food, and they pay rent and taxes.

Prohibition does not reduce liquor drinking. Its only accomplishment is to take away revenue and regulation and to destroy taxable property and payrolls. The bootlegger and blind pig takes the place of the licensed saloon and the taxpayer must make up for loss of revenue and taxation that is completely wiped out.

The destructive tendency of the Anti-Saloon League is only crowned by their impudence when they say to us: "This State of Washington is in a bad way; it is all run down and on the verge of total collapse; it is not a safe place to live in or raise a family in; it is sending all of its citizens to the penitentiary and insane asylums. But look to us; we can save you and lift you out of this horrible condition; take prohibition medicine, and it will cure every ill of man or municipality; it has been tried in Kansas, Maine, Tennessee, North Dakota, North Carolina, and has worked wonders. Write to the Governor of Kansas and he will tell you how to build up the State of Washington." Then they quote a lot of their self-made figures which are not susceptible of proof.

No, "Mr. Anti-Saloon League doctor," we do not need your medicine, thank you; we have read your prescription and letters of commendation, but we think we are doing quite nicely, we know the conditions in the states you mention and, in all candor, we do not like to trade as we excel in every way, in population, in wealth, in industry, in health, education and culture.

STATE HOP GROWERS ASSOCIATION. By Alvin Muchler, President.

STATE OF WASHINGTON-88.

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