
A table of contents for *Bibliotheca Sacra* can be found here:

https://biblicalstudies.org.uk/articles_bib-sacra_01.php

THE

BIBLIOTHECA SACRA.

ARTICLE I.

LIMITING SALOON TERRITORY:

THE MINNEAPOLIS PLAN.

BY CAPTAIN JUDSON N. CROSS.

THE word "license" is distasteful, when applied to the control and regulation of saloons, to a great many of the people of every community. It infers the granting of a permission, by public authority, to carry on a business recognized by all courts and law-making bodies as detrimental to any people. It would be better to call the municipal machinery for controlling the liquor traffic a "repressive tax law" or "ordinance," and the license fee a "repressive tax," which they really are. Yet it must not be forgotten that "license" is the legal and historic word which, for generations among English speakers, has been applied to the legal forms by which the traffic is controlled, regulated, and in a great measure restrained. It is the peg on which are hung all kinds of repressive measures. Sometimes these regulations are enacted directly by the legislature, and sometimes the power is delegated to the county, town, village, or city authorities, either in general laws, or in a special charter to the municipality. All English-speaking courts, in all times, have recognized the retail

traffic in intoxicating liquors as a proper subject for police control and regulation, by the legislature or law-making power direct, or by delegation to municipalities.

When it is determined that, for the public good, any kind of business should be controlled and regulated by the state in the exercise of its police powers, it is the immemorial custom, and has been in all the Anglo-Saxon ages, to exercise that power through that "repressive tax and regulation" system known as "licensing" the business. There has grown up, through the generations, so voluminous a body of judicial decisions on the power to control, regulate, tax, and repress any business dangerous to the community, through the ancient system of granting licenses, for the very purpose of checking and repressing its evils, that it might be dangerous to try experiments with new legal systems. Now, a municipality, having a delegated power to license, control, and regulate the traffic, may append to a license any reasonable—that is the test—repressive regulation for the protection of its people, and a high repressive tax is one of them. Any regulation which the legislature appends, which is constitutional, is presumed to be reasonable. Any repressive regulation, imposed by a municipality through its by-law or ordinance-making power, must stand the test of reasonableness before the courts.

Prior to the spring municipal election in Minneapolis, in 1884, there had been what was generally termed a wide-open policy, in saloon regulation. For years the license fee had been $100 per year. The population was less than 105,000. There were 523 saloons, many of which were owned by the breweries and wholesale liquor-houses. A saloon to about two hundred people! Generally speaking, there is a voter to about four or five people. But not all voters or adult males are drinkers of saloon beverages, either beer or the stronger liquors. Certainly not one-half

the male population, from seventeen years of age upward, in any community, frequent saloons. Of course some of the "wet hardware" of saloons is sold to be drunk at the houses of the saloon's customers, by women, but this cannot account for the support of a saloon by about two hundred people, three-fourths of whom probably never use the saloon's goods at all, and of the other fourth, not a half are likely to be habitual drinkers.

The explanation of a condition of things where a saloon can be supported, in a large city, for two hundred of the permanent population, is, that various kinds of floating and transient people are daily coming and going to and from the city. Every day thousands of people come from the country; there are throngs of tourists to a city like Minneapolis; immigrants from Europe, and migrants from the East, on their way to the vast regions beyond, stop for a time in the city; an army of men, of many thousands, collect in the city every fall to go to the great northern pineries, and return in the spring; another great army of harvesters, going to and from the broad harvest fields of Minnesota and the Dakotas, stay a few days or weeks, going and coming, in the city. From all this saloon-supporting, transient population came much of the element of disorder, the outgrowth of a wide-open policy.

The Republicans, in their city convention in the spring of 1884, recognized the growing demand on the part of all good citizens for a more stringent regulation of the saloons, and for a higher license fee, to decrease their numbers. The Republican daily press strongly backed the demand. The Republicans made a square issue for high license and stringent regulations, and nominated for Mayor the then President of the Council, Hon. George A. Pillsbury, a member of the great flour manufacturing firm of Pillsburys, a large-brained, conscientious, Christian business man from New

Hampshire, who had been in Minneapolis only a half-dozen years, though for more than a dozen years interested in its great flour and lumber industries. Mr. Pillsbury showed his benevolence, as well as his business acumen, by attending to the expenditure himself, in his lifetime, of a half million of dollars, which he gave to educational, benevolent, and church work, mostly in Minnesota.

Such was the man—upright, straightforward, religious, holding the respect and confidence of all business men, and church and temperance people—who was selected by the Republicans to bear the standard of repressive saloon measures, against the standard of the wide-open policy borne by Dr. A. A. Ames, the then Mayor,—a man of good family, who was born and brought up in Minneapolis, a most excellent surgeon who saw service in the Rebellion, a Grand Army man, kind-hearted, good to the poor, the idol of all liquor-dealers, popular with the masses, but whose only ultimate end seemed to be to gain popularity. He had been a Republican, but went to the Democrats in 1876, when he was first elected Mayor.

Each political party had selected its ideal candidate to head its municipal ticket for a contest which will be memorable for years to come in Minneapolis, on account of the entirely new and successful principle in saloon control which grew out of the issue, which was purely a question between the continuance of a lax, and the establishment of a stringent, control of the saloons.

By the law requiring all saloons to be closed as long as the polls were open, 523 saloon-keepers at least, and with partnerships many more, and all their assistants, became active workers at the polls on election day, for the wide-open policy. Hon. Charles A. Pillsbury, the flour king, took general charge of his honored father's campaign, although there was the usual Republican organization, doing splendid service. Mr. Pillsbury's brother, "our old iron

John," ex-Governor John S. Pillsbury, "Honest John" as he was called, after he had induced the sixth and last legislature convened during his six years in the gubernatorial office, to settle the old repudiated, so-called fraudulent, railroad bonds of the State, to his and the State's honor and credit, was no small power in the noted contest. All the old Republican war-horses for once put their whole weight into the municipal contest for repressive saloon measures. To their honor, many Democratic leaders, some of them labor leaders, voted and worked for Mr. Pillsbury.

It was a battle royal. Pillsbury and a good working Republican majority of the Council were elected by an overwhelming majority. The patrol system, or the system, now for over fifteen years so popular and strong, of confining the saloons to the then inner business district of the city, about one-twelfth of its territory, within lines beyond which no saloon could be licensed, was not thought of or suggested during the campaign. It was entirely an afterthought, a device to accomplish permanent results; a revolution! an evolution! It was devised to accomplish, what nothing else could be done to accomplish by the Council, under the charter, the realization of the Mayor's splendid recommendations.

Immediately after the election, petitions began to come in to the City Council, asking that body to grant no licenses for saloons in certain residence localities. A newspaper opinion was given by one of the best lawyers in the State, a former city attorney and ex-judge, that the City Council must act on every individual application for a license. From this it was inferred that applications for licenses in places where the people were opposed to saloons, might be refused by the Council. The lawyer's opinion was based on a Supreme Court decision that, under the state law authorizing the Board of County Com-

missioners to license saloons in the county outside of chartered cities and villages, the Board must take action on, and grant or refuse, every application. The newspaper opinion referred to above, was concurred in by another most excellent lawyer, who was the city attorney who had drawn an amendment to the charter only two years before, which required licenses to be granted by ordinance, the power to grant by motion having, by the amendment, been eliminated. The then City Attorney took issue with the newspaper opinion of the eminent lawyers, claiming that the charter required that the licensing should be provided for by general rules and provisions, in a general municipal ordinance to be passed by the City Council; that the Council could not, by motion, grant a license to one person, and refuse one to another; that general rules, specifying what must be done by each applicant before being licensed, must be embodied in an ordinance which should treat all alike.

Mayor Pillsbury, not being a lawyer, was doubtless in doubt as to which legal view was correct, but his heart was right; he wanted, and he knew the people wanted, a reform, as expressed by their overwhelming vote for high license and stringent control of the saloons. In his inaugural address to the Council he used the following forcible language:—

"As to the sale of intoxicating liquors, the present policy in this State, as enacted in all its laws, is to regulate, and not to prohibit, their sale. Whatever our individual opinions may be on this subject, so long as this policy prevails in the State, we should use these powers judiciously, and in such a manner as to lessen as far as possible the evils connected therewith, and particularly those which affect the young and growing generation. The number of licensed saloons in this city during the past two years, as shown by the comptroller's books, has increased from 252 to 523, and if we permit the matter to go on without restriction, they are liable to increase still more in numbers during the next two years. This increase in the number of saloons is largely due to the effort of some of the brewers and wholesale liquor-dealers to increase their business. It

is to the interest of every other person in this community that this increase should not only be stopped, but that the present excessive number be largely diminished. The public call for a higher liquor license, with wise and wholesome restrictions as to whom, and where, and when, and under what circumstances, it should be granted, is so unmistakable and emphatic that it cannot be ignored by your honorable body. The people have spoken with no uncertain sound, and it is for your honorable body to determine, not only what the amount of the license shall be, but in what manner, and under what restrictions and regulations, it shall be granted. It would certainly be unwise for your honorable body to allow a license to be issued to any man whose only qualification was that he simply possessed sufficient money to pay the license. A higher license alone will not reach all the evils complained of. It is a well-known fact that many of the worst places can best afford to pay a high license. The individual case of each applicant for a license should be carefully weighed, and wise restraints should be thrown around it. Something must be done to stamp out many places in this city which are not only a curse to the neighborhood, and a standing menace to the morals of this city, but which, on account of their wicked and illegitimate competition and methods, tend to prevent other liquor-dealers from keeping as orderly and quiet a place as they otherwise would.

"If the present ordinances do not give authority to refuse licenses to persons who from their antecedents and surroundings are unfit to receive a license, or if they do not allow sufficient latitude for the revocation or forfeiture of licenses which are issued to persons who conduct their places in an improper manner or in improper localities, then new ordinances should be framed at once, and I now suggest that you give this matter your most careful consideration.

"I would also earnestly recommend that no license be given in portions of the city where the people are strongly opposed to having saloons near them, and also that licenses be not given for saloons in districts where they do not now exist, including our beautiful lakes, and other places of public resort; and moreover, that they be refused in certain sections where they have already crept in, much to the disgust of the people residing in the vicinity. I deem this recommendation necessary, for many reasons. It is impossible to properly police our whole city without an expense far beyond what our people are willing to be taxed for. No saloon should ever be allowed at a point where there is not a regular and continuous police patrol. Our mechanics, laboring men, and youth should be spared the temptation of having a saloon under the very shadow of their homes, and their wives and children constantly subjected to its baneful influences. If saloons can be kept out of the residence portions of our city, private homes will be improved, women and children will be made happier, industrious men will accumulate competencies, and I will try and make it safe for respectable men and women to

go about their honest occupations or recreations at any time of day or night.

"Another cause of the rapid increase of saloons has been that severe restrictive laws passed in other localities drive persons here who have been forced to abandon their occupations elsewhere. They come here, and before their character or qualifications are known, and before they have had time to acquire citizenship, open up a saloon wherever they wish. This should be stopped. And I would further suggest whether it would not be wise to refuse to entertain any application for a license which does not come before your honorable body during the months of April or May of each year."

The City Attorney was in full accord with the Mayor in the spirit of his message; but there stood the amended charter, by which the Legislature had taken away the power of the Council to act by motion on individual applications, and by such motion to refuse a license to a person of bad character generally; such as, those who permitted gambling in their saloons, or sold to minors, or to posted drunkards, or harbored well-known thieves and other criminals, or permitted lewd women to visit their saloons,—all of which was prohibited by the ordinance then in force; or by motion to refuse a license at a place where the people in the vicinity did not want it. He was convinced that, until the charter could be changed, whatever reform was to be effected, it must be done by general rules covering all persons and all places alike, in a general ordinance; he had to take the responsibility of the legality of any repressive reform measure. He searched the authorities to find whether or not he could sanction an ordinance which would permit the Council to act on each individual case, and to permit or refuse a license, but found no encouragement.

Alderman Albert Lawrence, who had been at one time the Prohibition candidate for Mayor, represented the new Eighth Ward, in which was situated the beautiful lake-park region, and came day after day to see the City Attorney, also from the new ward, to insist that he draw an ordinance that should prohibit saloons in this ideal new

territory for homes, which was rapidly filling up, in which were four saloons which the Alderman was fighting. The Alderman's persistence was such, that the City Attorney informed him he could not advise the Council that they had the power to exempt a political division from the operation of the provisions of any ordinance; but as the Mayor had advised the Council that it was impossible to properly police the whole city without an expense far beyond what the people were willing to be taxed for; that no saloon should ever be allowed at a point where there was not a regular and continuous police patrol, he—the City Attorney—believed that on principle, the principle of a necessary, active, and continuous police oversight of saloons everywhere, that the Council had authority to confine them to the business center of the city, where, necessarily, most of the policemen had to be stationed.

The Alderman was delighted, and had the City Attorney invited to be present at a meeting of the Republican members of the Committee on License, to consider an ordinance, already prepared by a member, which had a provision that every applicant for a license should present to the Council the petition of ten freeholders, living within a certain distance of the proposed site of the saloon, asking that the applicant be licensed. The City Attorney first refused to sanction this provision, because illegal, as the Council could not delegate its powers to license to ten freeholders; and, secondly, urged the immorality of a system which encouraged over five thousand freeholders to make a record of their desire to have saloons licensed.

He then suggested the fixing of a definite, unchangeable line around a small district in the center of the business part of the city, outside of which no license should be granted. All applicants for licenses inside the limits could be required to do certain things (below named), and, when done, receive their licenses from certain executive officers;

thus relieving the Council and Aldermen from a terrific strain, pressure, and influence,—local, business, and political,—for licenses, to persons or for places. He showed them that it was the only plan he could devise to carry out the reform demands of the people, the spirit of the sound and excellent recommendations of the Mayor, keep within the Council's chartered powers, and obviate the necessity of passing on the qualifications of the then 523 individual applicants (if not greatly reduced in numbers by the proposed repressive measures, as it was hoped they would be, and as they were), and present an ordinance that the courts would sustain, as he was too well aware that the Saloon-Keepers' Association would attack it through the ablest attorneys in the State. The ordinance then before them contained many very excellent provisions which were incorporated in the ordinance afterwards drawn by the City Attorney.

The Republican members of the License Committee, who were the only ones present, with one accord, led by the chairman, Hon. E. M. Johnson, since a district judge, and who took charge of passing the ordinance, told the City Attorney that his definite limited district for saloons was just what they wanted, if he thought he could maintain it in the courts. His answer was, To pass the ordinance, and he would undertake to maintain it. He was immediately instructed to prepare an ordinance embodying his views, so forcibly did the plan strike them. He prepared the ordinance, containing many new features, as well as providing for the establishing of definite lines, within which licenses could be granted, which he named "Active Patrol Limits," (which the Supreme Court, in its opinion upholding the principle, intimated would have been better named "License Districts,") and providing that the territory within the lines should be constantly and actively patroled. Down to the present time it has always been popularly called the "patrol limits."

The ordinance was introduced and caused great excitement. The Liquor Dealers' Association held meetings every night, to devise methods of killing the ordinance. The daily Republican press in both Minneapolis and St. Paul (which city afterwards adopted the patrol-limit system after trying other plans) strongly commended the ordinance, and have never ceased to uphold and support it. The church and temperance people were a unit in its favor. The Prohibitionists said, "Why, that is prohibition in eleven-twelfths of the city!" Many ward Republican politicians feared it would weaken the party, and condemned it. Many broad-minded Democratic politicians, and especially Democratic business men, did much to consolidate public opinion in its favor. Ex-Attorney-General Gordon E. Cole, President of the State Bar Association, the leader of the half-dozen able lawyers retained to test its legality in the courts, told the writer, just before the contest over the ordinance in the Supreme Court, that when he read this ordinance, he pronounced it the strongest and best liquor ordinance he had ever read, and added that he only discovered holes in it when he examined it through a pair of $1,000 retainer spectacles. Archbishop Ireland of St. Paul threw his great influence in temperance matters for the ordinance, afterwards saying to the writer, that what the *Pioneer Press* of St. Paul had first said of it, that it was the best ordinance for the control of the liquor traffic in large cities ever devised, was true; the Archbishop adding, that in his temperance lectures in the great Eastern cities he had called attention to, and commended, the Minneapolis ordinance.

The Democratic leaders in the Council threw every possible parliamentary obstacle in the way of its passage. They fought it long and hard and desperately. Some of the Republican aldermen personally were opposed to the radical, new, and drastic patrol-limit feature, but public

opinion held them in the traces. The President of the Council, Calvin Clark, had also been a Prohibition candidate for Mayor. He and Alderman Lawrence, only, laid aside their repugnance to any license measure, and heartily supported the ordinance because they believed the establishment of so beneficent a principle as confining the saloons to the inner center of the business district, and freeing the homes of the people from the blighting and disturbing surroundings of the saloons, backed, as was the proposition, by Prohibitionists and temperance workers generally, would work incalculable good. They have never for an instant regretted their action, during the fifteen years the patrol limits have been in operation. It may be added, that Archbishop Ireland's great practical success in temperance work is greatly owing to his incessant work along the lines of moral suasion, in his churches, in society, and among young men, and also his readiness to support any legal repressive measure.

The excitement in the city was intense. The newspapers every day had editorials, and discussions from contributors, on the surprising proposition. The 523 saloonkeepers, with wholesale liquor-dealers and brewers, met every night, with their attorneys, to devise a campaign of opposition to the new and startling measures against their interests, but society's arch-enemies. The ordinance was passed, after stormy sessions, by a strict party vote. As the charter provided for the Mayor's having full control of the police, and as the patrol limits were to be actively and constantly patroled by the police, the City Attorney was in doubt whether he should provide in the ordinance for the defining of the limits by the Mayor, to be approved by the Council, or by the Council to be approved by the Mayor. He finally adopted the method of having the Mayor define them in the first instance, which, in the complex and many new-provisioned ordinance, was the only

error the Supreme Court found, when the ordinance was attacked by a half-dozen of the best lawyers in the State.

It was a happy error. It was better to have one man fix the limits, than to have the wrangle in the Council, caused by all the secret and indefinable influences that would be brought to bear on every individual member of the Council, in the first revolution of establishing such a system. Hundreds of outside saloon-keepers and their families were thrown out of an immediate means of living, which, in spite of the nature of the business, would have great weight in any community. Then, also, there was the practical destruction of all the saloon fixtures, the vacating of all the outside saloons, which made enemies of many of the landlords, whose rentals were cut off.

The Mayor, with his son, Senator Charles A. Pillsbury, the active man in the great flour concern, drove about the city for a whole day, when the Mayor fixed the limits, which were approved by the Council, after another hard-fought contest. Here was the greatest surprise of all the many surprises of this unique campaign. No greater moral bravery had been shown during this highly exciting time, than was shown by the Mayor in drawing the lines. In a city then six miles long and five miles broad, he drew the lines, on the west side of the Mississippi River, where more than three-fourths of the people and business were, only four blocks back from the river, except up the two principal business avenues Hennepin (to take in the then new and costly hotel the West) and Nicollet, where he extended the lines two blocks farther. But the owners of the fine stores on Nicollet Avenue, between Fifth and Sixth Streets, by agreement among themselves not to rent for saloon purposes, have for all the fifteen years maintained a private patrol district, greatly to the benefit of their rent rolls, and in marked contrast with the block just below, on the same avenue, between Fourth and Fifth Streets.

The southeast quarter of the city, where the state university is located on the historic grounds overlooking St. Anthony Falls, was left outside the limits entirely, though a state law had already precluded saloons on the east side of the river for a distance of three-fourths of a mile from the university. The lines in the northeast quarter, while stringent, were, on account of the large foreign population, somewhat more extended. To the north and south the lines were greatly restricted, so much so that the Mayor had, at first, left outside the great breweries, both to the north and south, but corrected before sending to the Council for approval. The so-called Hub of Hell, far to the south, was, on account of its infamous fame, left outside the patrol limits. The Mayor, in after years, told the writer, that, if he were to do it again, he would draw the lines along the alleys or center of the blocks, instead of along the center of the streets as was done, so there could be no seeming partiality in including or excluding saloons from one side of a street.

The park system had been established the year before. Every park in the city was left outside. All the territory around the four beautiful mile-wide lakes, the lake-park region, was far outside. Dozens of business centers were omitted.

The limits, as defined by the Mayor, were approved by the Council, with a small change below referred to, and then commenced the contest over its legality, by a writ of certiorari issued by the Supreme Court, direct. The Liquor Dealers' Association raised a large fund, and retained several highly respectable, eminent, and able lawyers, to make the contest. Some of the lawyers were Republicans, some Democrats; among them were Hon. Gordon E. Cole, above referred to, Hon. Eugene M. Wilson, ex-Congressman, ex-city attorney, and former Democratic candidate for Governor, and ex-Judge P. M. Babcock, all shrewd, suc-

cessful lawyers, of state reputation, besides several others of lesser note, but able workers. Some of these lawyers informed the writer that they were personally in favor of the ordinance. There was a tacit understanding that no arrests would be made till the Supreme Court should pass on the legality of the ordinance.

The license fee had been raised by the ordinance from $100 to $500, which was conceded by the attacking attorneys to be reasonable, (it was raised by the Legislature, at its next session to $1,000 for all large cities, and to $500 for all small cities, towns, and villages, where it stands at the present time,) but the fee was attacked on technical grounds.

The ordinance prohibited licenses for saloons in rooms or other buildings adjoining theaters or other places of public entertainment, where there were opening passages from one to the other; prohibited saloons within a block of school buildings; prohibited licenses to applicants who had been convicted of violating any state law or municipal ordinance, regarding the sale of intoxicating liquors, within one year prior to his application; prohibited more than one license to any one person; prohibited a license to any person who did not intend to himself personally conduct the business at the place named in his application, and agreeing to the cancellation of the license, without a rebate of any part of the fee, if he ceased to so conduct it; (these last-named provisions were inserted to cut off the then recently alarming increase of saloons by the custom of the wholesale liquor-dealers and brewery owners taking out scores of licenses in their own names, in all parts of the city, and placing agents in the saloons to run them, thus creating a terrible expansion of the saloon business throughout the city) requiring bonds with $500 penalty for every applicant for a license, with two good sureties, who had to swear to the value of their assets, and to be approved

by the Mayor; all the facts required to be stated in the application, negativing the facts excluding him from being licensed, the applicant for a license was required to make under oath. No surety on a bond could be surety on more than one bond in any one year (this to further restrict the "expansion" of wholesale dealers). There were many other restrictive provisions. Nearly every provision, certainly every novel provision, was attacked by counsel in their Supreme Court arguments. The main force of their arguments, made by ex-Attorney-General Cole, was directed against the unheard-of patrol-limit feature. Just before the arguments commenced, ex-Governor Cushman K. Davis, now the eminent United States senator from Minnesota, and ex-Peace Commissioner at Paris in 1898, told Mr. Cole that the principle was sound and the court would sustain it, but many lawyers pronounced the ordinance ridiculous. The court yielded a whole day for the argument.

The City Attorney had, from the authorities, gathered every reported case of the exclusion of any kind of business from any part of a city, such as butcheries, bakeries, gunpowder, fireworks, soap factories, rendering establishments, and heavily loaded vehicles from boulevards and parkways, and many other kinds of business, further named in the Supreme Court decision below quoted. He argued that if the preparation of bread, the staff of life, and meat could be confined to certain places in a city, for the public good, certainly then, under the broad provisions of the charter as to regulating the liquor traffic, the Council could restrict the sale of intoxicating liquors, the bane of life, to reasonably defined districts where the police could constantly watch the saloons.

On the authority of the many cases adjudicated and reported, of restricting different kinds of common and necessary business, often restricted by cities (but never before

the saloon business), the Supreme Court based its decision upholding the ordinance, except that it decided as to the one point which the City Attorney was in doubt about, (which he frankly stated to the court,) that the Council, and not the Mayor, must fix the patrol limits. This was soon cured by the Council in an amendment by which it defined the limits.

The Supreme Court in its decision in Re Wilson, 32 Minn. Rep. p. 145, Judge William Mitchell of Winona writing the opinion, said:—

"We have no doubt whatever of the power of the City Council to determine where, and within what portions of the city, the business of selling and dealing in intoxicating liquors may be carried on. This right is implied and included in the power to *regulate*. And if they deem that the good order of the city requires that this traffic shall be excluded from the suburban and residence portions of the city, and confined to the more central and business portions, where it can be kept under more effectual police surveillance, their power to do so is, in our judgment, undoubted. Under a grant of police power to *regulate*, the right of the municipal authorities to determine where and within what limits a certain kind of business may be conducted, has been often sustained. For example, the place where markets might be held; where butchers' stalls or meat shops may be kept; where hay or other products shall be weighed; where auctions may be held; the limits within which certain kinds of animals shall not be kept; within which the business of tallow chandlers shall not be carried on; within which gunpowder shall not be stored; within which slaughter-houses shall not be kept; the distance from churches within which liquor shall not be sold. Such cases might be multiplied almost indefinitely. If, under the general police power to regulate, this can be done as to such kinds of business, on what principle can it be claimed that similar regulations may not be adopted as to the sale of intoxicating liquors,—a traffic which all civilized communities deem necessary to place under special police regulations and restraints? Of course, such regulations must be reasonable, of which fact the courts must judge. But, in assuming the right to do so, courts will not look closely into mere matters of judgment, and set up their own judgment against that of the municipal authorities, when there is a reasonable ground for a difference of opinion."

When the ordinance was again before the Council, for amendment, a great effort was made to add one-half block on Western Avenue, a quarter of a mile from the patrol

district; this was strenuously opposed by Mr. Truesdale, the president of the Minneapolis and St. Louis Railroad, (now president of the Lackawanna Railroad), because it was near his railroad shops, arguing before the committee that the Council should, as far as practicable, protect great manufacturing establishments, for the benefit of both the employees and the owners. Through the weakness of a few of the Republicans, the half-block was taken into the patrol limits, but afterwards eliminated.

About one-fourth of the people of both Minneapolis and the State were born in Scandinavia or were of Scandinavian descent. Up to 1880 the Scandinavian population had been averse to temperance movements. They were particularly opposed to signing a pledge not to use intoxicants as beverages. About that time a movement was started in their churches to refuse applicants for membership to young people who would not sign the pledge, this of course in churches where membership is not by confirming. The older people, with Old-World confirmed habits, were not to be disciplined except in exaggerated cases. In 1884, the Scandinavian people had begun to be a power in temperance movements.

The limits, as fixed by the Mayor, ended on the West-Side down-river part of the city at Cedar Avenue, a solidly built business street in the center of that part of the city inhabited largely by the Scandinavian population. It was proposed in the Council, while considering the amendment, to include in the limits one or two blocks beyond Cedar Avenue. The Scandinavian people, and especially the authorities of Augsburg Theological Seminary, Lutheran, opposed the extension through the Scandinavian aldermen, one of whom, Senator Swenson, was the treasurer of Augsburg Seminary, so successfully that the Democrats could not enlarge the limits in that direction. The Scandinavians throughout the State have, for years, been among

the staunchest supporters of repressive saloon measures.

During the consideration of the amendment for defining the limits, the leader of the Democratic Aldermen opposing the amendment tried to change the lines so as to leave his own house outside the limits and put the house of his Republican colleague, from the same ward, inside the limits. His colleague was an Irishman, a husky lumberman, who pulled off his coat and offered to whip the Democratic leader, a larger Irishman, at once (during recess), but the President settled the matter by calling the Council to order.

After the legal and parliamentary contests were settled, and the limits definitely fixed, 236 saloon-keepers took out licenses at a $500 fee, as against 523, in 1883, at a $100 fee. The larger fee and greater revenues are not worth considering, only as they become repressive hindrances to the increase of saloons, though there may be merit in the argument that the people are entitled to compensation for extra taxes they are compelled to pay by reason of the pauperism, crime, and insanity caused by the saloons. The contest, in the form of so-called "blind pigs," was kept up for a year or two by the ousted outside saloon-keepers. Every kind of secret contrivance to sell quietly was tried by the "blind piggers." Every point made by the eminent lawyers, in the test case above referred to, had to be fought again in separate municipal court cases for violations of the ordinance, defended by other skilful attorneys, who appealed every case to the Supreme Court. It was thought that in cases for misdemeanors the lawyers defending might have advantages not afforded in the test case on writ of certiorari. These prosecutions were conducted by the able Assistant City Attorney, Frank H. Carleton, Esq., a nephew of the Mayor. He won every case in the Supreme Court, thus doubly clinching that court's decision on the first hearing.

Before one year had passed, the great mass of the people, of all classes and parties, were so well satisfied with the grand results of this evolution, through the great and troublous contest, of the new repressive principle in saloon control, that they applied to the Legislature to incorporate the patrol limits (as first defined by the Mayor, leaving out the half block added by the Council) in the charter, which was done. It so happened that Archbishop Ireland and General A. B. Nettleton, then editor of the *Tribune*, and later the first Assistant Secretary of the United States Treasury, had great influence in temperance legislation with that Legislature, and both lent their earnest aid.

Only twice have there been attempts made to have the Legislature change the limits, and then only for a block or two. Once, in 1891, when there was a fusion legislature, there was a serious attempt to add a block and a half to the limits, down in the Scandinavian district. All the people of the city were up in arms against the proposition. The ministers and business men arranged a mass meeting at the Lyceum theater Sunday afternoon, to protest, and several churches were filled with the overflow. A petition containing sixteen thousand names of objectors was sent to the Legislature. People of all classes and conditions, members of all and no churches, and political parties, united in the petition for no enlargement of the limits, which the Legislature respected. From a party measure in the first instance, it had, long years ago, become the whole city's pride. One can probably ride about seventy-five miles in the city, on double-track electric lines, outside of the patrol limits, where no saloon will meet the eye. Although the city has increased in population, since 1884, from about 105,000 to about 240,000 (estimated), yet the average number of yearly licenses issued has not been increased over the number taken out in 1884, that is, about 236. A few years later, when the Democrats were in the

majority in the Council, they repealed many of the minor stringent regulations, but the high repressive tax of $1,000, and the distinguishing feature of the important contest, the patrol limits, had both been placed by the Legislature above the reach of a hostile majority.

In the light of experience and a fifteen-years' practical test, the evolutionary, revolutionary, seemingly accidental principle, new to the country, forced on the Council and authorities (in order to carry out the wise recommendations of Mayor Pillsbury) by an apparently unimportant amendment to the charter made two years before, would now seem to have been no accident, but an evolution, directed, as other social reforms are brought about, by a law of, or by, a power above peoples, councils, officers, courts, and legislatures; for certainly those directly instrumental in its establishment built better than they knew.

The overmastering influence of the saloons was at once broken, never as yet regained. They are no longer reckoned by politicians as a great power to be placated. There would probably now be 2,500 of a solid saloon phalanx, in the city, to corrupt and intimidate politicians of all parties, were it not for the repressive strength of the patrol limits and the $1,000 repressive tax. The power of the Mayor and Municipal Court, as well as the Council, to arbitrarily cancel without rebate a license for which $1,000 has been paid, as a penalty for the breach of the ordinance, which is sometimes done, is a moral force of great weight.

The saloon territory is as well policed, and disorders as well repressed, as that of any city in the country. There is no use for policemen in the eleven-twelfths of the city outside the patrol limits, except to admonish the too enthusiastic lovers of speedy horse-flesh, and bicyclists, and to be present at fires, and occasionally, but very seldom, to arrest a pickpocket in the great crowds which assemble every summer evening at Lake Harriet (where from 5,000

to 10,000 people, and upwards, go to hear the excellent music furnished by the Park Board) and Minnehaha Park, and even at these places the policing is all done by the Park police, who have informed the writer that they are never compelled to make arrests from causes growing out of the influences of intoxicating liquors. Hundreds of family groups, mostly groups of women and children, may be seen any summer day boarding the cars to spend the day at these and other lovely retreats of nature, in the woods, and they are never molested by brawls or disorders of drunken men.

Will the people permanently sustain this order of things? Let the suggestion be made to the Council, if it ever again gets the power, or the Legislature, and nearly the whole mass of nearly a quarter of a million of the permanent population—excluding the saloon-keepers (who, to their credit, have been quiescent to the new order of things for more than a dozen years, and have even assisted the authorities, in their own interests, to destroy "blind pigs" outside the limits) and their political saloon slaves—would, on a day's notice, so make their indignation and wrathful power felt, as they have in the past, that no legislature or council could stem the popular torrent sufficiently to vote in favor of again opening the flood-gates of saloon disorders, to flow over the peaceful, safe, and quiet home districts of the city. If future generations let down the bars, they will have greatly changed in temper, determination, and characteristics from the present one.

Prior to 1896 a constitutional amendment, prohibiting all special legislation, was adopted. Early in 1897 it was desired by the people of the three great cities of the State —Minneapolis, St. Paul (which by degrees had adopted a patrol-limit system, first adopting, then discarding, the system of the Council's taking action on every individual application for a saloon license, compelling the applicant

to advertise three weeks the place of the proposed saloon, and giving near-by inhabitants a chance to protest, a most pernicious system) and Duluth—to have a general law charter applicable to those cities.

A tri-city convention, with many delegates of prominent men from each city, presided over by Cyrus Northrop, President of the University of Minnesota, was held in Minneapolis, by which convention a tri-city commission, of which the writer was a member, was appointed to draft a tri-city general charter law, for the government of those cities. Each city's charter had been developed by special laws during the past thirty or forty years. The commission found great difficulties in harmonizing the pet systems of city government, enacted by many special laws for each city. They labored many weeks in harmonizing different features into one satisfactory law for all the cities.

The convention's power was extended through an able and large committee, also presided over by President Northrop, with which the commission constantly advised. There was no subject which evoked the earnest thought of members, committee, and commission more than the intense determination and desire of all, backed by an overwhelming demand by the people, to incorporate provisions in the general law which would save the patrol limits, at all hazards, in Minneapolis and St. Paul, which had been established by special laws in their respective charters. Nature had buttressed Duluth on the north by a steep hill from 500 to 600 feet high, and the saloons, following the lines of least resistance to their business, had located along the one or two level streets running near to and parallel with the lake and bay, and on that narrow saloon-cursed peninsula between lake and bay known as Minnesota Point, where many crimes are committed. When Leslie Park and her other eastern suburban residence territory

shall be threatened with saloons, Duluth also will demand a patrol limit.

The patrol limit has greatly decreased the saloons, drinking, and drunkards; cut off many hundreds of recruiting stations for voters to uphold any wide-open saloon policy; broken the saloon political power in a great measure; freed the home districts from saloon disorders, where but few policemen are required, leaving the great majority of the police force to patrol the saloon district. Two or three years since it was discovered that for ten years there had been no policeman in a district half a mile wide and three-quarters of a mile long, thickly built up, only half a mile from the patrol limits, an electric line, with business along it, traversing the territory. The district had simply been overlooked, and had run itself.

Time and test have crystallized so powerful a public sentiment and determination to maintain, inviolate, not only the patrol-limit principle, but the present status, that no man of any party in the State, running for United States Senate, Congress, state or municipal office, would consent to have in his platform a plank demanding the elimination of the patrol limits, or the principle by which they were established.

The people have decreed, that, as the great safeguard to their families and homes, the principle and limits are just, and the decrees of the people will stand.