

## HISTORY OF THE LIQUOR LAWS OF THE STATE OF WASHINGTON

The State of Washington passed through three forms of government before attaining statehood. The present state was first a part of the "Old Oregon" under the provisional government. In 1840 the American population sent a petition to Congress enumerating reasons for a territorial government. This petition closed with these words:

"We pray for the high privilege of American citizenship. The peaceful enjoyment of life, the right of acquiring, possessing and using property and the unrestrained pursuit of rational happiness and for this your petitioners will ever pray."

In 1848 Congress approved the "Oregon Bill" and for four years longer Washington continued a part of the territory of Oregon. The region was then, in 1853, organized as a separate territory and for thirty-six years the "Organic Law," with added amendments, served as the territorial constitution. Washington then became a state in 1889. It is under these different forms of government and through the different stages of growth and development, therefore, that the question of legalizing or prohibiting the sale of alcoholic liquors becomes interesting: Provisional government, 1843-1849; Oregon territory, 1849-1853; Washington territory, 1853-1889; Washington state, 1889.

The first territorial legislature of the present state of Washington convened in 1854. During this session of the legislature there was an effort made to pass a state-wide prohibition law. There had been widespread agitation upon temperance and prohibition throughout the country, by such reformers as John B. Gough and Neal Dow. In the state of Maine Dow's work had resulted in the Maine prohibition law. The effort for prohibition in the territory in 1854 failed but in 1855 a general liquor law was passed entitled "An act to prohibit the manufacture or sale of Ardent Spirits in the Territory of Washington." It is interesting to note the language of this law in the light of the present.

Sec. 1 says "The manufacture, sale or gift of intoxicating liquors is prohibited."

Sec. 2 says "A public agent may be appointed to sell spiritous liquors for certain purposes, such agent to conform to the rules and regulations of the appointing power and receive a compensation."

There is further provision in this law for bond, for punishment, for violation and for fines under the law to go to the public school fund. In

addition to this there were two general liquor laws and much minor legislation which we wish to notice.

This law passed June 30, 1855. Five days previous to this date, January 25, there was an enactment prohibiting the sale of liquor to Indians. The penalty for violation was a fine of from \$25 to \$500. These fines also went into the school fund.

In 1858 another law was passed making it a crime to sell to the Kanakas (Hawaiian Islanders). This law was re-enacted in 1860.

In 1863, as there came to be more respect for law and community life was more firmly established, we find the first provision of a jail sentence for the violation of a liquor law. This was under an act to prevent the sale of adulterated liquor, which made provision for inspectors and defined the duties thereof. The penalty for violation of this law was \$500 and six months in jail.

The first law to prohibit the sale to minors was passed on November 9, 1877. For violation of this law there was a jail sentence and fine not to exceed \$500, one or both. At the same session on the same day there was a law passed to protect those who sold to a minor who misrepresented his age. Any minor misrepresenting his age was liable to fine of \$25 to \$100, and jail sentence of not to exceed three months.

Two years later we find the first law for the recovery of damages for injury by use of intoxicating liquors. The law holds the owner of the building liable jointly with the seller. This law was enacted November 14, 1879.

An interesting bit of legislation is a law passed in 1879 restraining the sale of intoxicating liquor in certain counties, Spokane, Stevens and Whitman, within one mile of the Northern Pacific Railroad, during construction. For violation of this law there was provided a fine of \$300 or three months in jail or both.

In 1881 a second damage law providing for damages for one who suffered injury in person, property or means of support. This law says no license shall be granted without the consent in writing of the owner of the building for his property to be used for saloon purposes. The property then becomes liable and the owner may be held for damages. The money for damages may be recovered by civil action.

No further legislation of notice follows till the year 1885, just thirty years after the first general liquor law was passed—thirty years of attempted control which had not been very successful. The agitation for teaching the effects of alcohol and narcotics in the public schools resulted in the passage of such a law in this state December 23, 1885. This law applies to all schools supported wholly or in part by money from the ter-

ritorial treasury. "The County Treasurer shall withhold the county funds from any school not complying with the provisions of this act." A fine of \$100 is assessible against any county or state superintendent who fails to enforce the provisions of the law. This law, passed December 23, 1885, went into effect in July, 1886, and provided that teachers must take an examination in this subject after 1887.

In the year 1886 a second general liquor law was passed. This law is known as, "An act to prohibit the sale of Intoxicating Liquors in Election Precincts of Washington Territory, Whenever a Majority of Legal Voters of Any Such Precinct, at any election to be held for that purpose, shall vote in favor of the prohibition of such liquors." This is quite a lengthy law beginning with Section 1 which defines the terms used, stating the singular shall include the plural and the plural the singular. Nouns and pronouns of the masculine gender shall include the feminine. The term intoxicating liquor shall include all liquor of any nature. We may infer from this clause that there had been some dispute over the interpretation of previous laws. Through court cases under this law an incorporated town or city shall be a voting precinct. This law contained eighteen different sections.

In 1887 there was a license law passed. This law permits the county board to license outside of cities and towns. The license fee was from \$300 to \$1000 divided as follows: 10 per cent goes to the state; 35 per cent goes to the school; 55 per cent goes to the county. In cities the council may grant the license. Then 10 per cent goes to the state, 90 per cent goes to the city. Bonds are fixed at \$1000. It was approved February 2, 1888, to be in force sixty days after approval.

In 1893 there was a law passed amending municipal incorporation liquor tax regulation.

In 1895 a law was passed making it a nuisance to sell liquor contrary to law.

Another law was passed in the same year, 1895, which is of interest. This was an act prohibiting the sale of intoxicating liquor on or within two miles of the University Grounds, making an exception of a small corner of ground in Madison Park on Lake Washington. This law was drawn by Professor Edmond S. Meany, Department of History, Washington State University. Illinois has a law similar to this one, but the limit in that state is one mile while in Washington it is two. In 1903 a law passed prohibiting the sale of intoxicating liquor within the proscribed limit (of 2000 feet) of state institutions. This applied to state institutions, not educational as well, and contained a clause stating that this law would not affect the law concerning the State University. The fine for violation

of this law was a fine of \$200 to \$1000. Another law in 1903 was for the search and seizure of liquor. In 1905 a law passed providing for the license to be endorsed by the treasurer of the state when he received his share of the license fee. This law would lead one to believe that there might sometimes be some irregularity in handling license monies.

Another Act in 1905 was an amendment to the act providing for the right of action for damages.

In 1907 there was passed "An act relating to sale of intoxicating liquors, fixing a state license fee of \$25 and providing punishment for violation thereof.

A number of measures were passed in 1909: An act to prohibit a wholesaler from holding an interest in a saloon or acting as bondsman. The fine for the violation is from \$100 to \$500 or a jail sentence for thirty days to six months. Monies loaned for such purposes in violation of this law are forfeited to the city or state. An act prohibiting the sale of liquor to Indians or mixed bloods and fixing a penalty for the violation thereof. The state board of tax commissioners are empowered to regulate the enforcement of the law of 1907.

The Military Code gives the commanding officer of the National Guard authority, saying, "He shall prohibit or prevent the sale or use of all intoxicating liquors. The sale of intoxicating liquor is prohibited within 2000 feet of State institutions, Normal, Agricultural Colleges, etc., and provides a fine of \$200 to \$1000 for the violation of this act."

In this same year, 1909, the third general liquor law of this state was passed. This is known as the "Local Option Law." The unit of territory under this law shall be each city of the first, second, third or fourth class each unclassified city having a population of 1000 inhabitants and each county having no first, second, third or fourth class city. Under this law the question shall be submitted at the general election or at special elections by the petition of 30 per cent of the electors at the last general election. This is quite a lengthy law and would appear to cover almost every point of regulation of the traffic. One clause of the law says, "No provision is intended or shall be construed to violate or contradict the laws of the United States." The text of this act contains twenty-three sections. This local option law passed the Senate February 18, 1909; passed the House March 4, 1909, and was approved March 12, 1909.

We are now close to the present time and it may be well to notice that in 1911 an effort was made to amend the law of 1909. The amendment was introduced in the Senate by Mr. Falconer and known as Senate Bill No. 121. The bill was read the first and second time and was referred to the Committee on Morals—evidently an effort was made

to kill the bill in committee. There was two reports, a majority and a minority report. The former was accepted. The bill was advanced to third reading. Eight amendments were offered but all were lost. It passed the senate by a vote of 24 to 16. The measure did not fare as well in the house. Here also it was House Bill 121. It was read the first time, referred to the committee on rules of order, reported back without recommendation, then indefinitely postponed.

The legislature in 1911 did at least pass one measure. This law made it a gross misdemeanor to permit minors in saloons.

The general law of 1909, which is known as the Local Option Law, was secured through the temperance forces of the state. The strongest and most active organizations are the Independent Order of Good Templars and the Anti-Saloon League. The Good Templars of this state have in addition to the American order a branch society among the Scandinavians, which numbers several thousand voters. Much credit for the advance in temperance and anti-saloon sentiment in Washington must be given to George F. Cotterill, the former mayor of the city of Seattle. Mr. Cotterill has not only been active among the American and Scandinavian Good Templars of which he is the national head in America, but he has been fully as diligent in the circles of organized labor.

Labor organizations have been active in temperance agitation. They realize that sober men command a higher wage than drinking men and are quite as zealous as the church in training their members to stay sober.

The question of "State Wide Prohibition" will be submitted to a referendum vote of the people of the state in 1914.

We have the same question confronting us today that we had 59 years ago.

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