his aged parents who may hardly realize what has been going on. It will encourage him to become again a supporting member of society, to do his share in the upbuilding of the new France. And if the soldier has fallen it will mean that his dependents will have shelter and so far as they are able the opportunity of earning their own livelihood.

And the new town will perhaps mean as much to the citizens of its foster-mother city over there in America. They may not have had the opportunity of fighting in the trenches, of suffering all the terrors and horrors of modern warfare, but they will have the satisfaction of having helped in relieving their fellow men in France from part of this additional burden of reconstruction. The photographs and letters from their adopted town will come to them with the joy of news from a far son or daughter. And when they travel and visit their adopted town they can take a just pride in the good they have done for those who were called to fight in the first line of the defense of liberty.

PROHIBITION IN TENNESSEE

BY R. S. KEEBLER, ESQ.

Memphis, Tennessee

FEW states have had so dramatic an experience with liquor legislation as Tennessee.¹ There it has been the one issue for more than a dozen years. It has divided political parties. It was responsible for the death of the brilliant Senator Carmack, who in 1908 was shot down upon the streets of Nashville. It wrecked the political fortunes of Malcolm R. Patterson, who while governor from 1907 to 1911 was the champion of the liquor traffic, but who is now its implacable foe. It called into being an independent Democratic party which allied itself with the Republicans to overthrow the regular or local option Democrats, and in 1910 for the first time in thirty years a Republican was elected governor of the state. With the passage of a state-wide prohibition act in 1909 the issue was not settled; but with political parties topsy-turvy, with all other issues relegated to the background, the liquor problem has dominated Tennessee politics until within a year's time. The state has needed constitutional changes; but the wets were afraid of the drys and the drys were afraid of the wets; so the antiquated constitution of 1870 remains. The cities have needed the right of home rule; but to the rural communities home rule meant nothing more nor less

¹ For former references to the situation in Tennessee in the NATIONAL MUNICIPAL REVIEW, see the following: The Proposed Removal of Memphis Officials, vol. vi, p. 113; Memphis Ouster Cases, vol. v, p. 321; Nashville's Municipal Election, vol. v, p. 323; Recall in Nashville (in article on "Some Recent Uses of the Recall"), vol. v, p. 386.

than open saloons; so the legislature continues to dominate the local governments and each session shows an increasing flood of local bills. The state has needed social legislation in order to keep abreast of the current of modern progress; but the liquor issue has checked all else and the state has stood stagnant.

Happily, however, the issue has within the past two years approached a final solution, and the way is now clear for other reforms. But the agonies through which the state has gone, the blunders which were made, and the means by which a remedy was finally reached, furnish a lesson which may be heeded with profit by that rapidly increasing number of American states which are now embarking upon a similar course of legislation. The lesson is particularly valuable for those states having large cities which seem unalterably opposed to prohibitory laws; for in final analysis the problem resolves itself into an issue between city and country.

THE FOUR-MILE LAW

A brief history of the Tennessee liquor legislation will prove instructive. Tennessee proceeded under the principle of what is known as the "four-mile law"—that is, the prohibition of the sale of intoxicating liquors within four miles of any school-house. The first act was passed in 1877, which made illegal the sale of intoxicating beverages within four miles of an incorporated institution of learning, sales within incorporated towns and by manufacturers in wholesale quantities being excepted. Under this act an indictment would fail if it could be shown that the liquid was not a beverage; so in 1885 an act was passed which extended the law to the sale of intoxicating bitters. There was still a defect. If the institution of learning was not incorporated, an indictment would fail. So in 1887 an act was passed making it unlawful to sell any intoxicating liquor as a beverage within four miles of any school-house, public or private, whether the school be then in session or not; but sales in incorporated towns and sales by manufactories in wholesale quantities were excepted from the provisions of the act.

Under the operation of these laws the country districts, except for the "blind tigers" in the more remote places, were freed of saloons many years before saloons were driven from a single incorporated town. If a wet community desired to retain its saloons, it had only to incorporate and escape the rigors of the law. The fact that the country was rid of saloons first is significant. It caused to grow up a generation of farmer boys who knew nothing of saloons except as they existed in towns and cities, and it has always been the country vote which has determined the issue in all the later contests between the advocates and the opponents of the liquor traffic. It caused to spring up, too, an antagonism between town and country which deadlocked the state and frustrated movements toward other reforms.

PROHIBITION IN INCORPORATED TOWNS

The next liquor legislation was in 1899, when an act was passed extending the prohibitory law to towns of not more than 2,000 inhabitants which might thereafter incorporate; which meant that any town of 2,000 inhabitants or less could rid itself of saloons by reincorporating, the method being to hold an election for this purpose. In 1903 the law was extended to towns of 5,000 inhabitants. Under these acts the liquor shops were driven from the small towns of the state; so that country and town were lined up together against the larger cities in the final struggle. There was one difference between the four-mile laws of Tennessee and the ordinary local option laws. Under the Tennessee laws, when a town once reincorporated it could not thereafter change its mind on the liquor question and re-establish the saloons. They were gone for good.

In 1907 the legislature was ready to extend the four-mile law to the whole state, which it did by an act allowing cities of not more than 150,000 inhabitants to reincorporate and abolish their saloons. This act embraced every city in the state; and inasmuch as Tennessee is largely a rural state and has few real cities, there were by this time only about half a dozen incorporated towns where liquor selling was lawful.

It was soon seen that the wet cities would not reincorporate and thereby banish their saloons. Then it was that Senator Carmack entered the lists with the battle cry that the saloon had sinned away its day of grace and must be destroyed. The legislature of 1909 met shortly after his tragic death, and with resolute mind passed over the governor's veto an act absolutely forbidding the sale of intoxicating liquors as a beverage within four miles of any school-house. Supplementary acts prohibiting the manufacture for sale of any intoxicating liquor, the soliciting of orders for intoxicating liquors, and forbidding the public drinking of intoxicants on common carriers, were also passed. The sentiment fostered in the rural districts and small towns had now crystallized into a state-wide prohibition law.

The course of events since 1909 illustrates the inherent weakness of the Tennessee law. The governor was hostile to prohibition; and the large cities, where prohibitionists were in the minority, after making a feint of observing the law, openly disregarded it and proceeded to grant liquor licenses as theretofore. Then the Democratic party was thrown out of power, and a Republican, Benjamin W. Hooper, was elected governor by the support of the independent Democratic vote. The legislature of 1911 passed no additional prohibition laws. The state was getting its bearings. The larger cities continued to defy the law. There was no machinery in the governor's hands whereby he could enforce law observance. The legislature was hopelessly divided.

THE SESSIONS OF 1913

The legislature of 1913 met in regular session and shunted the liquor issue. A first special session was held, which again shunted the issue. The political atmosphere was tense. It was the big cities against the state, seemingly in hopeless deadlock. A second special session was called, and at last the liquor power in Tennessee saw the handwriting on the wall. Three anti-liquor acts were passed. One act required the filing of statements with the county clerk showing shipments of intoxicating liquors into the state or between points within the state; another prohibited the shipment of intoxicating liquors from one county to another within the state; while a third made the engaging in the sale of intoxicating liquors a nuisance which might be abated upon relation of any attorney for the state or any city or county attorney, or upon the relation of ten or more citizens and freeholders of the county where such nuisance might exist.

This last act, popularly known as the "nuisance act," tolled the knell of the liquor traffic in Tennessee. The people of the state had now the power to take the law into their own hands; and the state authorities were enabled to prosecute injunction suits against liquor sellers, of which there was a veritable avalanche, by the appointment of special attorneys. Regardless of local sentiment or the attitude of public officials, the law violator could now be brought to task.

But even the nuisance act was not sufficient. Public officials out of sympathy with the law, even some of the state's judges, threw every possible impediment in the way of the rigid enforcement of the law; and inasmuch as the defendant could demand a jury, conviction in some cities, notably Memphis, was almost impossible.

THE OUSTER ACT

In 1915 the Democratic party, which had come to realize the sentiment of the state at large and was pledged to vigorous enforcement of the prohibition laws, returned to power, with Tom C. Rye as governor. The legislature immediately addressed itself to the liquor problem, with which the courts had been struggling for two years, and passed an act which finally proved that prohibitory laws could really be made to prohibit. This act, known as the "ouster act," provides that any officer within the state (except those removable exclusively by constitutional methods) who shall knowingly or wilfully neglect to perform any duty enjoined upon him by any of the laws of the state, shall forfeit his office, and that ouster proceedings may be instituted by any attorney for the state, county, or city within their respective jurisdictions, or upon the relation of ten or more citizens and freeholders. The proceedings are made summary, thereby avoiding trial by jury. Other acts passed at

this same time were directed against the sale of intoxicants by soft drink stands, clubs and druggists.

From the ouster act, condemned by some of the old faith as undemocratic and unconstitutional, dates the beginning of effective law enforcement in Tennessee. Within a few months ouster suits were filed in Nashville and Memphis, the old régime was overthrown in both cities, and the moral effect throughout the entire state was immediate and marked. Officials who had hitherto said it was impossible to enforce the liquor laws began to change their minds, and by the close of 1916 the state was without a saloon and perhaps as dry as any other state in the union, with possibly one or two of the pioneers excepted.

THE DRASTIC LEGISLATION OF 1917

The legislature of 1917 met to inter the last remains of the liquor traffic in Tennessee. The old order had passed away. There was practically a unanimity of opinion, and almost without a protest the bills prepared by the anti-saloon league of the state were passed. They were foremost on the legislative program. The supreme court had on September 23, 1916, declared the so-called "locker law" of 1915 unconstitutional on the ground that the act was broader than the title, always a favorite method of assailing legislative enactments in Tennessee. On January 17, 1917, the legislature passed House Bill no. 1, prohibiting persons, clubs, lodges or associations from storing, keeping, distributing, or in any way disposing of liquor containing more than one half of 1 per cent alcohol. On the same day House Bill no. 2 was passed, known as the "wholesaler and bootlegger act," making it unlawful to have or keep in stock in any warehouse or place of business or other place within the state any intoxicating liquors intended for present or future sale as a beverage, either at wholesale or retail, and whether intended to be sold for delivery at the place of sale or to be shipped or transported elsewhere. A second offense under this act was declared a felony. Up to this time it had not been illegal to operate interstate shipping houses in Tennessee; and the border cities, Memphis and Chattanooga, had numbers of such houses which not only conducted an interstate traffic, but acted as recruiting stations for bootleggers. Another act passed in 1917 was the "anti-mail order act," prohibiting the receiving of orders for the purchase of alcoholic liquors; another was the "anti-bootlegging act," providing a penitentiary sentence of one to two years for persistent violators of the law against selling intoxicating liquors; another was the "drug store act," rigidly limiting the quantity of intoxicating liquors which a druggist may keep in stock and permitting the sale of alcohol only in quantities of a pint or less to a patient whom a physician has actually visited and for whom he has written three prescriptions, one for the druggist, one to be sent to Nashville, and one to be kept for two years. But the most

important of all the prohibition acts was the "bone-dry act," prohibiting the receipt of intoxicating liquors from a common or other carrier, prohibiting the possession of such liquors hereafter received from a common or other carrier, and prohibiting the shipment and personal transportation of such liquors into the state or between points within the state. It is believed that these laws, aided by the recent federal legislation forbidding the shipment of alcoholic liquors into dry states, have forever removed the liquor problem in Tennessee from the realm of politics and have hermetically sealed the state against the liquor traffic. The last chapter of the struggle which began in 1877 and which absorbed the thought of the state for a dozen years has now been written.

It remains to consider the effects of this legislation upon the economic and social welfare of the state; and inasmuch as the degree of law enforcement has varied in different portions of the state and the effects have not been altogether uniform, it is best to consider separately the situation in each of the larger cities of the state.

MEMPHIS

Memphis had by the 1910 census 131,105 inhabitants. It had as many as 600 saloons and numerous wholesale liquor houses. Situated on the Mississippi river, a meeting ground between north and south and east and west, with half of its population negro and a large number of its liquor sellers of Italian birth, a distributing center for a vast area of dry or semi-dry territory, Memphis was regarded as a city whose problem was peculiar. It was openly stated that the rest of Tennessee did not understand Memphis, and that Memphis never would conform to the prohibition laws of the state. Elsewhere throughout Tennessee, particularly in the rural sections, Memphis was looked upon as a modern Sodom or Gomorrah. Its murder rate during the decade 1904-1913 was 63.7 per 100,000 of population, the highest in the civilized world. In 1914 the rate was 72.2 per 100,000 of population. The average homicide rate for 30 leading American cities during the same time was 7.9 per 100,000 of population. Holdups were so frequent that decent citizens were afraid to venture upon many of the streets of Memphis in the night-time.

No one can understand the liquor situation as it existed in Memphis up till within the last year without knowing something of the political situation. The county officials of Tennessee are paid fees instead of stated salaries. Every liquor license meant fees, every indictment meant fees, every injunction suit meant fees. The offices of sheriff and trustee of Shelby county, of which Memphis is the county seat, were reputed to be worth from \$25,000 to \$40,000 a year. Mere court clerks received from \$10,000 to \$25,000 annually in fees. Naturally these offices were eagerly sought after. The prohibition act of 1909 outlawed every liquor seller in Tennessee. In the half dozen years which followed, the political

machine of Shelby county used the prohibition act as a means of blackmail. The liquor sellers were forced to contribute heavily to the expenses of conducting political campaigns or their businesses were in jeopardy. They were forced to register migratory negroes and to turn over the fraudulent registration certificates to the machine, which placed them in the hands of repeaters on election day. It is charged that in the election of August, 1914, there were voted as many as 10,000 of these fraudulent certificates. (The payment of poll taxes for the purpose of influencing the votes of others and the collection of registration certificates were made felonies by the legislature of 1917.) Until the ouster act changed the complexion of affairs, a handful of men controlled the elections of Shelby county. It was evident from the outset that in such a community the prohibition law would have rough sledding.

When the state-wide act of 1909 first became operative, some of the liquor dealers of Memphis closed their doors for a brief season, wondering what would be the outcome; but seeing that no effort was being made to enforce the law, they soon resumed their operations as openly as if no law existed. This situation has often been referred to by those who contend that prohibition cannot be made to prohibit. The only difference between the situation just after 1909 and formerly was that the state and local governments lost a large amount of revenue. But the Shelby county officials soon learned that their means of obtaining revenue was not entirely cut off, and in 1911 there was a notorious shakedown, when 1,062 indictments against liquor sellers were returned and put through the fee mill. It was brought out at the impeachment trial of the Shelby county attorney-general in July, 1916, which resulted in his removal from office, that it cost the county about \$10,000 to indict these liquor men, not for violating the four-mile law, but for failure to pay a retail liquor dealer's license. A system was developed of postponing the trial of criminal cases from time to time, whereby the sheriff and criminal court clerk derived additional fees from the resummoning of witnesses. This system was reduced to a fine science, so that often the most trivial indictment yielded handsome returns.

MEMPHIS: LICENSE FEES AND FINES

In 1908 the city liquor license fee was \$50. Nothing was received from this source after the state-wide act became operative on July 1, 1909, until 1912, when the city authorities concluded that the city might as well be making money out of the situation as the office holders. On January 13 of that year an ordinance was passed requiring a license fee of \$250 a year from all liquor dealers, both wholesale and retail. This ordinance continued in force until the nuisance act became effective on March 1, 1914. It yielded in 1912, \$123,937.85 in revenue; in 1913, \$120,250; and during the two months of 1914, \$17,493.25. The total

city revenues reached their high water mark of \$1,776,634.60 in 1913, from which date they have slightly fallen off on account of the loss of liquor revenues. The expenses of the city administration steadily increasing, the municipal finances were placed in a perilous situation, from which they have not up to this time recovered; but the loss of liquor revenues is by no means the sole factor in this situation.

After the nuisance act became effective in 1914, a new method of recouping the city and county revenues flourished for a season. The city officials dared not collect license fees from the lawless saloons; but about once a month the saloonists were arrested, brought into court, and forced to pay a fine of \$50. During the six years from 1909 to 1914 inclusive, Memphis received an average of \$16,622.11 from fines and forfeitures. The highest amount received in any one year was \$24,188.85 for the year 1912. But in 1915 the amount from this source was \$66,885.90. It was charged in the ouster suit brought against the city officials in the latter part of this year that the system of fining was a veiled substitute for the old license system, and the officials did not contest this charge.

MEMPHIS: THE USE OF THE OUSTER ACT

The ouster act of 1915 is responsible for the altered condition of affairs in Memphis. Under the nuisance act the courts were crowded with injunction suits, but the administrative officials gave little encouragement to law enforcement and the two criminal courts were notoriously out of sympathy with the law. During the greater part of 1915 conditions were intolerably bad. The homicide rate was still the highest in the civilized world, there being 76 homicides in this year, of which 61 victims were negroes. Many saloons which were ordered closed by order of the chancery court used their signs, "closed by order of the chancery court," merely as an advertisement to attract customers. One liquor dealer was arrested forty times; another, thirty-nine times. On October 14, 1915, an ouster suit was brought under the new law against the mayor, the commissioner of police, the inspector of police (as to whom the proceedings were dismissed), and the city judge. It was charged that these officials had neglected to enforce the laws against the sale of liquor, against gambling and against prostitution, that they had connived at and encouraged the violation of these laws, and that there existed and had been conducted during their terms in open violation of law numerous saloons, gambling houses and houses of ill fame. The defendants did not deny these charges, merely raising the legal issue that the ouster act was unconstitutional. This issue was decided against them by the supreme court, and the city officials were ousted.

About this same time an ouster suit was filed against the sheriff of Shelby county, charging that he not only failed and neglected to enforce the liquor laws, but that through agreement or understanding with the

officials of Memphis he permitted saloons to be run in violation of law.

The defendant contested the charges, and numerous witnesses were examined. The report of the supreme court's opinion in this case² covers 86 pages. All the charges were established with but little conflict of testimony, and the sheriff was ousted. The ouster act did not apply to judges and attorneys for the state; so the governor called the legislature in session early in 1916 to consider impeachment charges against the attorney-general and the two criminal judges of Shelby county. One of the criminal judges resigned. The other two officials were impeached, and during the summer of 1916 they were tried before the senate sitting as a court of impeachment. Both were removed from office. The governor, who was zealous for law enforcement, filled the vacancies thus created with men who were known to be in favor of law enforcement and opposed to the old political machine. The man who prosecuted these ouster and impeachment suits through the courts, who broke up the corrupt political machine, and who more than any other is responsible for the altered condition of affairs, is Honorable Gus T. Fitzhugh of the Memphis bar.

The city officials who came into power after the ousting of the old régime bowed to the inevitable and began a *bona fide* effort to enforce the law. In June, 1916, the new mayor, not liking the attitude of the commissioner of police, who had stated that the liquor laws could not be enforced, took the situation into his own hands. The results were immediate. On June 23 there were only two arrests, neither for a violation of the liquor laws. On the fourth of July there was not a single arrest for drunkenness, an unprecedented record. On July 11, twenty-three members of the state senate, then sitting as a court of impeachment, wrote a letter to the mayor of Memphis commending his enforcement of the law and stating: "Your administration will mean much for the city of Memphis and the people of the state, and will go far towards settling the vexing questions that have disturbed Tennessee for ten years."

During the summer of 1915 there were 33 holdups in Memphis; during the summer of 1916 only four. An article published in the *Commercial Appeal* on September 22, reviewing the altered condition of affairs following the inauguration on June 28, 1916, of vigorous law enforcement as contrasted with the situation during the same period of 1915, stated: "Begging is less frequent. The figures stand twenty-four to one, because most of the beggars came from saloons and most of them took their money to saloons. . . . The decrease in the number of arrests for disorderly conduct, reduced from 282 to 23 during the above period, is self-explanatory."

² *State v. Reichman*, 135 Tenn. 653.

MEMPHIS: DECREASE IN DRUNKENNESS

It is interesting to note the rapidity with which public drunkenness has decreased in Memphis. In 1912 the total number of arrests for drunkenness and for drunkenness combined with disorderly conduct, was 1,447; in 1913, 1,086; in 1914, 589; in 1915, 472; and in 1916, 302. In 1916 there were 34 charges of murder docketed on the Memphis police records, which is the lowest in many years. It is a conservative estimate that the class of crimes which are traceable to the effects of intoxicating liquors has decreased at least 50 per cent during the last twelve months. In summing up the results of six months of real prohibition, the *Commercial Appeal* stated in an editorial of February 14, 1917:

There have been fewer arrests of both whites and blacks in Memphis during the last six months than during any other six months for ten years. There has been a reduction of tragedies which have their origin in liquor. Prohibition has already materially dimmed the lights in the redlight district. . . . Prohibition has also interfered with the gambling industry. Retail merchants find their collections better under prohibition than they did before prohibition was in order. All lines of business in Memphis under prohibition during the last six months have prospered as they never did before. Certainly prohibition has not hurt general business. The people of Memphis would not vote to return to the open saloon. After two years not a corporal's guard of thinking citizens would vote for the old order.

Citizens who were bitterly opposed to the abolition of the open saloon are now not only reconciled to the situation but admit very frankly that conditions are vastly improved. The local optionists tried to put a legislative ticket in the field at the election of November, 1916, but their candidates were a negligible factor in the election. Memphis has already become as decent and orderly as any other city in the state; and unless present indications are deceptive, her criminal record will within a short time be her pride and not her shame.

NASHVILLE

It has been widely advertised that Nashville became bankrupt on account of its loss of liquor revenues. The statement is not altogether true, the evidence produced in the trial of the ouster suit against the mayor and one of the commissioners revealing gross frauds upon the treasury entirely disassociated with the abolition of saloons.

With reference to the charge in the ouster petition that he had failed to enforce the liquor laws, Mayor Howse said in his answer:

Answering further, the defendant Hilary E. Howse says that from the time he was elected mayor in October, 1909, up to January 15, or thereabouts, 1915, liquors were sold in Nashville with his knowledge, and that he was elected to office when the public sentiment of the city was such that it demanded the sale of liquors. Defendant knew of their sale and did not order or direct the suppression thereof, because he had announced

in his candidacy for the office in 1911 that he was opposed to prohibition, but favored local option, and he lived up to the statements he had made to the people who elected him after election as to the practice in the enforcement of the liquor laws.

The supreme court remarked, as to this admission: "The facts just recited, without more, constitute ample cause for ouster."³

The ups and downs of the liquor traffic in Nashville were much the same as in Memphis. A system of monthly levies was resorted to by the city authorities, which were the price of immunity for the open violation of the law. The passage of the ouster act marked a change in the situation, and the removal of Mayor Howse had as wholesome an effect as did the removal of Mayor Crump of Memphis.

The results of law enforcement in Nashville have been so gratifying as to render undesirable a change to the old system even if such were possible. A letter written to the author on April 12, 1917, by Rev. J. D. McAlister, superintendent of the Tennessee anti-saloon league, contains this statement: "The chief of police of Nashville told me a few days ago that he had been completely converted to the cause of prohibition, for the reason that there had been far less poverty in Nashville this winter than ever before, and because of the remarkable decrease in drunkenness and general 'cussedness' in the last sixty days."

CHATTANOOGA

The situation in Chattanooga has differed from that of Memphis only by reason of the fact that its population is only about a third that of the latter city. The mayor from 1909 till 1915, it may be said, was favorable to law enforcement, but public sentiment was overwhelmingly against him, on account of the mail order whisky houses and the large amount of money invested in the beer and whisky business, due to the city's proximity to the Georgia line. Spasmodic efforts were made to enforce the law, but the net results were anything but gratifying. The influence of the local press was largely against the prohibition law. Upon the passage of the nuisance act a more systematic and powerful effort was made to put an end to the liquor régime, but in 1915 a mayor was elected who was not in sympathy with prohibition, and the present situation in Chattanooga is much worse, so far as violations of the law are concerned, than elsewhere throughout the state. The ouster suits filed in Nashville and Memphis have had a powerful effect upon the officials of the other cities of Tennessee, and there is an outward show of law enforcement in Chattanooga; but it is felt by the advocates of prohibition that the efforts of the present city administration are only half-hearted.

However, the sentiment of Chattanooga is rapidly crystallizing in favor of the rigid enforcement of the law, and even the spasmodic attempts at law enforcement thus far made have not been without their

³ *State v. Howse*, 134 Tenn. 67, 89.

beneficial results. The loss of privilege taxes has not impaired the city's finances. There are fewer vacant business houses than at any other time within ten years. There is a noticeable decrease in public drunkenness, and the welfare of the laboring classes has much improved. It is not too much to predict that within another year Chattanooga will be as dry as any other city of the state, not merely on account of the recent "bone-dry act," which became fully effective on July 1, 1917, but on account of the increasing conviction of the citizens themselves that a dry city is not a dead or backward city.

KNOXVILLE

Knoxville has a more consistent record of law enforcement than any other city in Tennessee. Its saloons were first closed, by municipal election, on November 1, 1907. From that time until now, with the exception possibly of the period from 1912 to 1915, there has been a genuine effort to enforce the law. A great many difficulties were encountered, the chief ones being the interstate shipping houses, always local centers of infection, and the refusal of juries to convict offenders. Under the grand jury system of indictment which exists in Tennessee, not only must eleven of thirteen grand jurors vote in favor of indicting an accused person, but he must also be found guilty by the unanimous verdict of a jury of twelve men. Thus the liquor law was largely at the mercy of public sentiment, which, while stronger for law enforcement in Knoxville than elsewhere throughout the state, was by no means unanimous. Also, often the only penalty imposed upon conviction was a fine of fifty dollars, which the liquor sellers readily paid, considering it in the light of a license fee for continuing their business.

In 1912 Knoxville changed from the aldermanic to the commission form of government. The mayor and commission then elected were not in sympathy with law enforcement. It is charged that the liquor sellers of Middlesboro, Kentucky, financed their campaign. At any rate it became the policy of the majority of the commission to allow soft drink stands to sell intoxicating liquors, the offenders being cited to appear before the city judge once every three months, when a fifty dollar fine was imposed. This system netted the city about \$26,000 in fines during a single year.

In the municipal election of 1915, the former mayor was not a candidate for re-election. The issue was law enforcement, and its advocates carried every ward in the city. Since that time the prohibition law has been enforced as well as it could be enforced in view of the fact that shipments of liquor into the state were lawful, and interstate shipping houses were allowed to flourish within the state. On account of the imposition of workhouse sentences upon bootleggers, the situation was well in hand even before the legislation of 1917, which has now effectuated

ally put an end to all interstate shipments of intoxicating drinks. During the early part of 1916 the criminal judge of Knox county, in charging the grand jury, called attention to the fact that the jury faced the lightest criminal docket within the last forty years. Judge Nelson attributed this marked decline in criminal prosecutions to prohibition. In some of the nearby counties there have been no criminal cases at all on the dockets for several sessions of the criminal court, which is a commendable record for the supposedly lawless mountaineers and moonshiners of East Tennessee. It is estimated that crime in this section of the state has decreased at least 50 per cent since the passage of the state-wide prohibition act in 1909.

Since the passage of the "bone-dry act," the beneficial result has been marked. The present city judge is authority for the statement that domestic quarrels have decreased 90 per cent, and that the total number of persons tried in the police court between February 1 and March 10 decreased from 610 in 1916 to 186 in 1917. These dates were selected only because the figures were compiled on March 10, 1917, and the "bone-dry act" was not passed until February 2, 1917.

SMALLER CITIES AND TOWNS

The smaller cities and towns of the state have not experienced the reign of lawlessness which has existed in some of the larger cities. Practically all of them were dry before the state-wide act became effective, and, except for an occasional bootlegger, violations of the liquor laws are unknown. In all of them a strong prohibition sentiment has been built up, the economic disturbances incident to an abolition of the liquor traffic having long since subsided, and none of them would be willing to return to the old system. Prohibition in Tennessee has come to stay, and it is now not merely a law but a habit of life.

STATE FINANCES

The liquor issue, which for more than ten years has been dominant in all state and city elections, is now permanently eliminated, and the state is ready to grapple with other problems, chief among which are a new constitution and a new system of finances. The state is badly in debt, due in part at least to its losing the liquor revenues. In addressing the legislature on January 22, 1917, concerning the state's very serious financial embarrassment, Governor Rye pointed out that the state receipts from liquor licenses during the biennial period 1912-1914 amounted to \$401,375.36, whereas for the period 1914-1916 the amount was only \$16,127.35; which is a rather startling statement of fact under any interpretation, when it is considered that the state has been legally dry since 1909, the only lawful liquor establishments being the interstate shipping houses.

GENERAL CONCLUSIONS

The experience of Tennessee demonstrates that any state which adopts state-wide prohibition should enact all those ancillary measures which have been found necessary to a proper enforcement of the law. A mere prohibition act in itself will not prohibit; it is at the mercy not only of local sentiment but also of official indifference. It is necessary to have a statute similar to the Tennessee nuisance act, which will allow a minority to bring offenders to the bar of justice in spite of a hostile majority. It is necessary to have a statute similar to the ouster act, which will bring officials to a keen sense of their public responsibility. It is necessary to put an end at once to interstate shipping houses, since these are mere breeding places for bootleggers and lawless saloons. If these sources of infection had not been allowed to remain, the state of Tennessee would have been spared much of the travail through which it has finally arrived at a genuine era of prohibition.

The experience of Tennessee also justifies the general observation that, if a thorough-going legislative program is adopted, the duration of the economic disturbances incident to a readjustment of business will be much shortened, and the benefits of prohibition will be hastened. For Tennessee, at least, those benefits have been a marked diminution in poverty and crime and a healthier public sentiment which is manifesting itself along all the lines of progress. If a city as unfavorable to the enforcement of prohibitory legislation as Memphis was until the year 1916 can within a year's time experience a complete revolution of public sentiment, and that, too, not as a result of moral suasion but as a result of coercion from without and a practical demonstration of the benefits of prohibition, the prospect for the successful inauguration of prohibition in other American cities is most promising.

OLD DWELLINGS FOR NEW

EFFECT OF THE LAWSON ACT IN NEW YORK

BY JOHN IHLDER

Philadelphia

BROOKLYN rejoices in being called "a city of homes." At this year's session of the New York legislature it secured a law that modifies many of the provisions in the New York tenement house law. According to a leaflet sent out by Lawrence Veiller this new statute

Permits thousands of old private dwellings with *wooden stairs*¹ and *inflammable partitions*, many of them *veritable fire traps*, to be converted into tenement houses for three families, without any safeguards whatever in these respects.

¹Italics are Mr. Veiller's.