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THE PROHIBITION MOVEMENT IN ALABAMA.

BY

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THE PROHIBITION MOVEMENT IN ALABAMA.

CHAPTER I.

THE PROHIBITION MOVEMENT BEFORE THE CIVIL WAR.

The movement which resulted in a law prohibiting the manufacture and sale of intoxicating liquors in Alabama represents a courageous and determined struggle, beginning soon after the formation of the State. Starting with a few followers who pledged themselves to total abstinence, it gradually involved a large number and variety of people who demanded force in suppressing the liquor traffic. The legislative steps of the movement represent not a little ingenuity on the part of those who, realizing the impossibility of immediate prohibition, designed laws which helped conditions temporarily and laid the foundation for state prohibition. They were also ingenious in their methods of influencing public sentiment which in the beginning refused to consider prohibition.

In the 'twenties, when the first temperance societies were organized, the sale of liquor was not restricted. The decanter had its place in the home since the hospitality of the times demanded a "treat" for guests.¹ The whiskey bottle had its place in the political campaign since it was the custom for candidates to furnish liquor before elections.² It was the day of the rural dram shop where men gathered to gamble and to drink.³ Then the liquor traffic was very

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1. Riley, B. F., History of the Baptists of Alabama, P. 69.
 2. Abernethy, T. P., The Formative Period in Alabama, P. 132.
 3. Riley, B. F., History of the Baptists of Alabama, P. 76.

lucrative, and the most respectable stratum of Alabama society engaged in it.¹ (The first efforts to stop drunkenness were made by temperance societies, eight of which were organized in the 'twenties.²) (The Baptist and Methodist churches also tried to decrease the use of liquor, but as yet their ranks were divided in regard to prohibition.³) (Some of the Baptist ministers urged and entreated their congregations to abstain from the use of liquor and to abandon its sale; while others engaged in the liquor traffic.⁴) (One Baptist church resolved that none of its members might make, use, or sell intoxicating liquor.⁵) The Baptist Convention, in 1839, appointed delegates to a temperance convention which was to meet in Tuscaloosa in that year.⁶ In 1837, a Conference of the Methodist church expelled a minister for intemperate drinking and for trafficking in liquor.⁷

A Baptist minister led the movement for legislation against the sale of liquor. Many times during 1838 the Alabama legislature was memorialized to prohibit its retail sale within the State.⁸ The first of these memorials originated with Hosea Holcombe, a Baptist minister, who most eloquently defended the measure against the arguments of its opponents.⁹ When they protested that it was violation of their

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1. Holcombe, H. The History of the Rise and Progress of the Baptists in Alabama, P. 349.
 2. Cherrington, E. H., The Evolution of Prohibition in the United States of America, P. 103.
 3. Riley, B. F., op. cit., P. 62.
 4. Holcombe, H., op. cit., P. 349.
 5. Ibid, P. 347.
 6. Riley, B. F., op. cit., P. 120.
 7. West, A., A History of Methodism in Alabama, P. 550.
 8. House Journal of the State of Alabama, session of 1838 (1837-40) PP. 19, 20, 24, 25, 28, 62, 80, 86.
 9. Holcombe, H., op. cit., P. 351.

liberty, he answered that they seemed to make no distinction between liberty and licentiousness.¹ Furthermore, he forcefully denied their charges that it was unconstitutional, and that it was worthless without the correction of public sentiment, and unnecessary with corrected public sentiment.² In this connection it may be pointed out that the opponents of prohibition continued to advance these arguments throughout the movement.

The Sons of Temperance, a national temperance society, was organized in Alabama about the middle of the century.³ Its purpose, like Hosea Holcombe's, was the abolition of the retail sale of intoxicating liquor.⁴ By continually pointing out the abuses of the liquor traffic, the Sons of Temperance did arouse sentiment against it, and thus hastened the state-wide prohibition movement of 1853.⁵

In that year there was a widespread demand for an anti-liquor law. A convention of temperance advocates which met at Selma in the early spring drafted a prohibition bill to present to the legislature at its next session.⁶ In the meanwhile, the measure was sent to all the counties, and became an issue in many of them. However, it met with no success in the legislature.

During the early 'fifties, there were state-wide campaigns for prohibition throughout the nation.⁷ The movement was successful,

1. Ibid.
2. Ibid, P. 350.
3. Riley, B. F., op. cit. P. 187.
4. Ibid.
5. Ibid, P. 208.
6. Ibid.
7. Cherrington, E. H., op. cit., P. 136.

however, only in the north and west when thirteen states had adopted prohibitory laws by the end of 1856.¹ Maine led the way, a decade earlier, by passing the first state prohibition law in American history.²

In Alabama the municipalities, in raising the cost of the saloon license, accomplished the first step in the legal suppression of the liquor traffic. They hoped that their high license system would force the saloon-keeper to go out of business.³ Riley states that Montgomery placed the license at \$500.00 and Eutaw at \$1,000.00.⁴ This system was begun in 1855,⁵ and continued to be adopted by many cities and towns until the state prohibition law was passed in 1907.

Before the Civil War, the prohibition movement had accomplished very little beyond awakening the people of the State to the need of reform. As yet, few opposed the liquor traffic except on moral grounds. Economic opposition to it, as a waste in industry, was yet to come, as was the objection to political domination by the organized liquor interest. After the war the laws prohibiting the sale of liquor to negroes were of course repealed,⁶ thus affording another argument in behalf of prohibition.)

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1. Schlesinger, A. M., A Political and Social History of the United States, P. 76; The thirteen states were Maine, Illinois, Ohio, Rhode Island, Massachusetts, Vermont, Connecticut, Pennsylvania, Iowa, Delaware, Michigan, New Hampshire, and New York. The laws were permanent in only three of these states.
 2. Schlesinger, A. M., op. cit., P. 76.
 3. Riley, B. F., op. cit., P. 245.
 4. Ibid.
 5. Ibid.
 6. House Journals, 1865, P. 198 ; 1866, P. 310.

CHAPTER II.

THE PERIOD OF ORGANIZATION AND LOCAL LEGISLATION.

Since the people of Alabama turned their attention to war problems, the prohibition movement lost support during the period 1861-1865.¹ However, after the war several conditions gave a new impetus to the movement. The presence of the recently emancipated negro drew to the support of the cause many who believed that prohibition would decrease his danger to Southern society and increase his efficiency as a laborer.² The scientific knowledge which demonstrated the effects of alcohol on health and efficiency and consequently on industry added the industrial leader to the elements working for prohibition.³ The domination of the saloon in state, county, and municipal politics caused the general public to work for its abolition.⁴

As a result of this growing antagonism to the liquor traffic the Independent Order of Good Templars, a temperance society formed in 1851, was organized in Alabama in 1874.⁵ In two years it had enlisted a membership of seven thousand.⁶ During the 'seventies the Good Templars bore the burden of the fight for prohibition employing temper-

1. Lamar T. Beman in Prohibition of the Liquor Traffic, P. 5, says the attention of the entire country was diverted from prohibition to other public questions. There were no accounts of temperance conventions in the data consulted. No temperance organizations were formed in Alabama during the war and few prohibitory laws were passed.
2. Crumpton, W. B., How Alabama Became Dry, P. 13.
3. Crumpton, W. B., A Book of Memories, 1842-1920, P. 201.
4. Judge Samford of the Alabama Supreme Court said the liquor business reflected itself in the political life of the State and in a large measure dominated the selection of candidates for every office.
5. Interview with Judge Samford.
6. Cherrington, E. H., op. cit., P. 196.

ance lecturers,¹ and insisting on the passage of local prohibitory laws.² Having secured prohibition in several counties, they began the movement of the 'eighties for state-wide prohibition.³

In January 1884 a convention composed of delegates from the Unions of Selma, Gadsden, and Tuscaloosa organized the State Union of the Woman's Christian Temperance Union, and immediately affiliated it with the national organization.⁴ (The National Woman's Christian Temperance Union had been organized a decade earlier.⁵ From its beginning the organization of Alabama Women had been an important force in the prohibition movement.) (It secured the passage on February 10, 1885, of a law which required scientific temperance instruction in all public schools.⁶ Similar laws were passed in most of the states between 1882 and 1888.⁷ The educational work of the Woman's Christian Temperance Union included the distribution of temperance literature even to the remotest parts of the State.⁸ (Its legislative work, during the period under consideration, included a petition for a local option law which the legislature refused to grant.⁹)

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1. Montgomery Advertiser, June 23, 1881.
 2. Interview with Judge Samford.
 3. Montgomery Advertiser, July 1, 1881.
 4. Owen, T. M., History of Alabama and Dictionary of Alabama Biography, Vol. II, pp. 1411-1412; Under the influence of Mrs. Ellen Peter Bryce, State President of the Woman's Christian Temperance Union, the colored women organized a similar society known as the second Woman's Christian Temperance Union of Alabama.
 5. Schlesinger, A. M., op. cit., P. 319.
 6. Birmingham Sunday Chronicle, November 15, 1885; Mobile Register, December 2, 1887; General Acts of the State of Alabama, session of 1884-85, P. 113.
 7. Cherrington, E.H., op. cit., P. 175.
 8. Montgomery Advertiser, November 18, 1886.
 9. Birmingham Sunday Chronicle, November 15, 1885.

(The ever increasing demand for prohibitory legislation expressed itself through a third organization, the ~~X~~Alabama State Temperance Alliance, which was organized in 1886 at a convention of the temperance people of the State.¹) This alliance directly petitioned the legislature to pass a freeholder and householder license law, a local option law, and a law submitting to the electorate a constitutional amendment providing for prohibition.² Because of the adverse action of the lower House, these petitions were not granted.³ In February 1891, the alliance unsuccessfully memorialized the House of Representatives to enact the Temperance bill which the Senate had passed in December, 1890.⁴ The bill provided that the settlement of the liquor question in each community be left to its freeholders and householders.⁵ The unsuccessful efforts of the Alabama State Temperance Alliance and the other temperance societies paved the way for the organization of the Prohibition party in this state.

Discouraged by the failure of their petition for a general local option law and a state-wide prohibition law, the temperance people decided to work through a party organization.⁶ Therefore the Prohibition party, which had been formed in 1869, was organized in Alabama in January 1891.⁷ The method of working through a political party was not

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1. House Journal, session of 1890-91, P. 887.
 2. Ibid, Montgomery Advertiser, November 18, 1886.
 3. House Journal, session of 1890-91, P. 887.
 4. Ibid, P. 888.
 5. Ibid, P. 887.
 6. Birmingham Age-Herald, January 10, 1891.
 7. Ibid.

as successful as that of the non-partisan organizations which secured local prohibitory laws through petitions to the legislature. Since temperance advocates were unwilling to leave their political parties for a new one, the Prohibition party gained little support.¹ The number of presidential votes cast for it demonstrates this unwillingness to break party affiliations. There were 239 votes cast in 1892, 2,147 in 1896, 2,173 in 1900, and 612 in 1904.²

* The Baptist and Methodist churches had become strong advocates of prohibition.³ During the legislative session of 1890-91, the Baptists took an active part in the struggle to pass the Temperance bill.⁴ The Presbyterian church prior to 1886 held very nearly the same position that these churches did in the beginning. Its General Assembly passed resolutions expressing its regret that members made, sold, and used intoxicating liquors, declaring its belief that such practices were morally wrong, and approving of total abstinence.⁵ In 1886 the General Assembly advised its members to use all legitimate means to banish the liquor traffic from the nation, but it never advocated legal suppression of the traffic and never had anything to do with the political side of the question.⁶ In 1907 it refused to appoint a permanent committee on Temperance, giving as one of the reasons that such a committee "would

1. Interview with J. Bibb Mills, Superintendent of the Alabama Anti-Saloon League.
2. Ferguson, W. P. F., Prohibition Party, New Encyclopedia of Social Reform, P. 974.
3. Riley, B. F., op. cit., P. 449.
4. Ibid.
5. Montgomery Advertiser, November 13, 1909, Baird's Digest, PP. 808-9.
6. Montgomery Advertiser, November 13, 1909, Alexander's Digest, PP. 365, 141, 142.

involve the possibility of political entanglement".¹

Although the forces working for legal suppression of the liquor traffic failed to reach their goal, state-wide prohibition; in this period, they did secure legislation which put a considerable part of the State under prohibition.² At every session the legislature passed laws which prohibited the sale of liquor in certain places that ranged in size from one mile of a particular point to an entire county. The localities in and around which liquor might not be sold were certain churches, academies, school-houses, camp-grounds, mines, iron-works, factories, court-houses, and towns in the rural districts. In the 'eighties a number of counties including Monroe, Pickens, Escambia, Wilcox, Clarke, Limestone, and Greene were given prohibition by legislative enactment.³ Many encouraged by the passage of prohibition laws for localities, towns and counties, thought that state wide prohibition might be also adopted. Consequently in 1883, a bill providing for

1. Montgomery Advertiser, November 13, 1909, Minutes of the Assembly, 1907, P. 57.
2. Cherrington, E. H., op. cit., PP. 186, 188-190, 194; Montgomery Advertiser, March 8, 1881; House Journals, 1886, PP. 195, 204, 246, 327; 1869-70, PP. 71, 221, 233, 237, 293, 298, 304, 487; 1870-71, PP. 101, 137, 222, 367, 439; 1872-73, PP. 275, 423, 497, 498, 520, 542; 1886-87, PP. 1183, 1200, 1207, 1237, 1239, 1281, 1295, 1312, 1326, 1328; Senate Journals, 1871-72, PP. 189, 293; 1872-73, PP. 191, 362; 1874-75, PP. 155, 277, 496, 550; 1875-76, P. 282; 1878-79, P. 241; 1882-83, PP. 228, 250, 251; 1884-85, P. 713; 1896-97, PP. 1009, 752; 1898-99, P. 283.
3. Senate Journal, 1882-83, PP. 228, 250; House Journal, 1886-87, P. 1328; Prohibition in Pickens and Limestone counties was repealed less than two years thereafter.

prohibition within the limits of the State was introduced in the Senate; but it was indefinitely postponed after a favorable report by the Temperance Committee.¹ Again in 1886, a similar bill was introduced in the legislature; but this time in the House of Representatives, and reported adversely by the Temperance Committee.²

Between 1880 and 1890, prohibition was an important question in the legislatures of three-fourths of the states and territories of the United States.³ Many state legislatures submitted to their electorate constitutional amendments providing for it.⁴ It was in this period that Maine adopted constitutional prohibition, and Kansas, Iowa, and North and South Dakota adopted state-wide prohibition.⁵

Since the movement did not reach its culmination in Alabama, the large towns and cities were still free to sell intoxicating liquor. Meanwhile, two methods of controlling its sale were tried in these places. The legislature gradually raised the saloon license as a concession to those who believed that the liquor business should bear a large part of the public expenses, and to those who thought that high license would decrease the number of saloons.⁶ This method was very unsatisfactory to the Prohibitionists who believed that a government

1. Senate Journal, 1882-83, PP. 359, 536.
2. House Journal, 1886-87, PP. 358, 1302.
3. Cherrington, E. H., op. cit., P. 176.
4. Ibid.
5. Ibid., PP. 176, 177, 179;
Schlesinger, A. M., op. cit., P. 320.
6. Montgomery Advertiser, December 9, 1885; December 9, 1886;
September 28, 1890.

receiving revenue from the saloon would be unwilling to abolish it. However, the system of high license continued in operation until State-wide prohibition went into effect in 1909, and was given as a county option under the terms of the Parks Local Option law of 1911.¹

The dispensary system of control, which provided for the sale of liquor by the government, was introduced in Alabama about 1898.² From this time until the passage of the first state-wide prohibition law, dispensaries were established in many counties of the State.³ The system was adopted under the influence of South Carolina which had a state dispensary.⁴ Local dispensaries were also established in North Carolina and Georgia.

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1. General Acts of the State of Alabama, session of 1911, P. 26.
 2. The Temperance Tidal Wave, Outlook, July 11, 1908, PP. 89, 562; Interview with Judge Samford; Senate Journal, 1898-99, P. 342.
 3. The Temperance Tidal Wave, Outlook, July 11, 1908, PP. 89, 562.
 4. Atwater, W. O., Temperance Reform, Outlook, November 22, 1902, PP. 72, 682.

CHAPTER III.

THE TRIUMPH OF THE PROHIBITION MOVEMENT IN 1907.

Before the opening of the twentieth century, all efforts to pass a general local option law and a state prohibition law had failed. Some localities were under prohibition, while others had the dispensary or the high license system. In the meantime, however, public sentiment in favor of prohibition had increased to such an extent that a local option law was a certainty and a state prohibition law a possibility in 1907.

This public sentiment was especially encouraged by the Anti-Saloon League, which was organized in the State in 1905.¹ The League immediately began a campaign for state prohibition by influencing opinion to the need of it. Its speakers occupied pulpits throughout the State, appealing to the people for cooperation.² The voluminous amount of literature which it distributed succeeded in awakening sentiment against the liquor traffic.³ Its official organ, the Alabama Citizen, excited aggressive action by making known the progress of the movement in other states.⁴

Two officers of the League, Dr. W. B. Crumpton and Brooks Lawrence, stand out among the leaders of the movement in Alabama. Dr. Crumpton had worked incessantly for prohibition many years before becom-

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1. Interview with J. Bibb Mills, Superintendent of the Alabama Anti-Saloon League.
 2. The Alabama Citizen, February 1, 1908.
 3. Ibid.
 4. See Files of Alabama Citizen, 1908; This encouraged the campaign for constitutional prohibition.

ing the first president of the Anti-Saloon League, for as an evangelist under the appointment of the Baptist State Mission Board, he had included a plea for it in his sermons and in the reports of his work, which were published in the Alabama Baptist.¹ He had visited the legislature many times in behalf of prohibitory legislation.² The other leader, Mr. Brooks Lawrence, performed invaluable services as superintendent of the League for sixteen years.³ He, too, was often a lobbyist, for example when the state prohibition bill was before the legislature in 1907.⁴

The work of the prohibition forces, especially the Anti-Saloon League, resulted in the enactment in 1907 of almost every law which they had urged since the beginning of the movement. Governor Comer, in his first message to the legislature, suggested the consideration of the first of these laws by stating that there was almost a universal demand for it.⁵ Accordingly a bill which permitted each county wherein liquor was sold to hold an election for adopting or rejecting prohibition within its boundaries was introduced in January 1907.⁶ The liquor interests, perceiving the impossibility of defeating it, favored a substitute which would have allowed the towns and cities to vote separately.⁷ This had no effect, however, on the success of the bill, for it was adopted in February 1907 by an over-whelming majority in each house.⁸ This local

1. Crumpton, W.B., A Book of Memories, 1842-1920, P. 192.

2. Ibid, P. 193.

3. Crumpton, W. B., How Alabama Became Dry, P. 32.

4. Montgomery Advertiser, November 14, 1907.

5. General Acts of Alabama, session of 1907, P. 58.

6. Foxcroft, F., Prohibition in the South Atlantic Monthly, May, 1908, PP. 101, 628.

7. Ibid.

8. Ibid, General Acts of Alabama, session of 1907, P. 200.

option law laid the foundation for the first state prohibition law. Under its provisions, most of the counties voted to prohibit the sale of liquor.¹ The adoption of prohibition by these counties greatly encouraged the movement for a state law.

Jefferson county adopted prohibition by an election held on October 28, 1907.² The Prohibitionists and their opponents had carried on a more spectacular campaign in this than any of the other counties. During October, each held meetings where their speakers addressed large audiences.³ On the Sundays of October 20th, and 27th, prohibition was the subject of almost every sermon preached in Birmingham.⁴ On the day of the election, the women and children of Birmingham and its suburbs paraded the streets carrying banners, singing hymns, and urging men to cast their votes for prohibition.⁵ Immediately after the election a Law and Order League was formed in Birmingham to enforce the law which was to go into effect on January 1, 1908.

In an effort to enforce prohibition in the counties which had adopted it under the terms of the local option law and to restrict the saloon in the other counties as much as possible, the Prohibitionists secured considerable legislation during the summer session of 1907. In July a bill prohibiting the shipment of liquor into any prohibition district was made into law.⁷ Among the other laws of this session

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1. The Alabama Citizen, February 1, 1908; Alabama History, The New International Encyclopedia, Vol. I, 299.
 2. Montgomery Advertiser, October 29, 1907; Cherrington, E.H., op. cit., P. 289.
 3. Montgomery Advertiser, October 21, 1907, October 27, 1907.
 4. Montgomery Advertiser, October 21, 1907, October 28, 1907.
 5. Montgomery Advertiser, October 29, 1907.
 6. Montgomery Advertiser, November 3, 1907.
 7. General Acts of Alabama, session of 1907, P. 488; Iglehart, F.C., The Nation's Anti-Drink Crusade; Review of Reviews, April 1908, PP. 37, 469; Foxcroft, F., Prohibition in the South, May 1908, PP. 101, 628.

was one requiring saloons in towns of 10,000 people and less, to close at seven p.m., in towns of more than 15,000 at eight p.m., and in the remaining towns at nine p.m.¹ Another law limited the amount of liquor a physician might prescribe to one-fourth pint on Sunday, and on the day preceding and the day of an election.²

Toward the end of this session, a bill providing for state prohibition was introduced, but little effort was made to pass it.³ The Prohibitionists made the most of their opportunity, however, in the special session of November 1907 which Governor Comer called to consider railroad legislation.⁴ Georgia's success in abolishing the legal sale of liquor must have stimulated and encouraged the forces in the Alabama legislature. They introduced a bill which called for an election in November 1908 to decide on a prohibitory amendment to the state constitution.⁵ This bill failed to pass, but another which provided for state prohibition after January 1, 1909 became a law on November 23, 1907.⁶

This state prohibition law was not passed without vigorous opposition. Its opponents asserted that the legislature in passing it

1. Corrigan, J., The Prohibition Wave in the South; Review of Reviews, September, 1907, PP. 36, 334.
2. General Acts of Alabama, session of 1907, P. 727.
3. Corrigan, J., The Prohibition Wave in the South; Review of Reviews, September, 1907, PP. 36, 334.
4. Iglehart, F. C., The Nation's Anti-Drink Crusade; Review of Reviews, April, 1908, PP. 37, 469; Foxcroft F., Prohibition in the South; Atlantic Monthly, May 1908, PP. 101, 628.
5. Montgomery Advertiser, November 8, 1907.
6. General Acts of Alabama, session of 1907, PP. 71-76; Cherrington, E. H., op. cit., P. 290; Crumpton, W. B., How Alabama Became Dry, P. 17; On the same day Governor Comer signed the law which prohibited drinking on any passenger train or street car in the State.

would violate the pledge of the platform which declared for local option.¹ Its advocates who were led by speaker A. H. Carmichael, answered that there was such strong demand for prohibition that the question went beyond the platform.² The most active opposition came from the mayor, city council and a number of the public school teachers of Mobile, who maintained that its adoption would ruin their school system which was supported by the revenue from liquor licenses.³

In an effort to secure the enforcement of the state prohibition law, the Conference of the Methodist Church petitioned the Alabama representatives in Congress to pass a law prohibiting the shipment of liquor into prohibition states.⁴ Congress did not pass this law until 1913; and then under the influence of Alabama representatives.

1. Montgomery Advertiser, November 14, 1907.

2. Ibid.

3. Montgomery Advertiser, November 16, 1907; November 19, 1907; Foxcroft, F., Prohibition in the South; Atlantic Monthly, May, 1908, PP. 101, 629.

4. Congressional Record, Vol. XLII, P. 2945.

CHAPTER IV.

PROHIBITION DEFEATED, 1909-1914.

The most ardent Prohibitionists, dissatisfied with the failure of the bill in November 1907, which provided for the submission of a constitutional amendment on prohibition, induced Governor Comer to call a special session of the legislature in July 1909.¹ In accordance with his suggestion as expressed in the proclamation convening the Legislature, a bill designating November 29, 1909 as the day of the election on the proposed amendment was passed.² It was followed by another law which further provided for instructing public school pupils in the evils of intemperance.³

Almost two months before the election on the proposed amendment, the opposing forces began a vigorous campaign.⁴ Their organization, which comprised a state chairman, sixty-seven county chairmen, and three committee-men in every beat of every county,⁵ was completed early in October. They carried on the campaign by sending prominent speakers to address anti-amendment meetings throughout the State. Emmet O'Neal represented them in debates against Judge Samuel D. Weakley,⁶

1. House Journal, special session of 1909, P. 4.
2. General and Local Acts of the State of Alabama, special session of 1909, PP. 20-21.
3. Ibid, PP. 27-28; This law required the use of placards giving statistics, epigrams, and mottoes showing the evils of intemperance, and the setting aside of one day in the scholastic year on which programs pertaining to temperance should be given.
4. Montgomery Advertiser, October 6, 1909.
5. Ibid, November 30, 1909.
6. Ibid, October 2, 9, 10, 1909.

and ex-Governor William D. Jelks took the stump in opposition to the amendment.¹ Among many prominent Alabamians who opposed it was state senator Frank S. Moody who had been an advocate of temperance reform for twenty-eight years.² He denounced it as an intemperate measure. The United States Senators from Alabama, Joseph F. Johnston and John H. Bankhead, announced their opposition to the amendment, the former on the ground that he saw no need for it.³ The Montgomery Advertiser, which had influenced public opinion against taking the prohibition question into politics⁴ and had opposed state prohibition in 1907, now threw all of its influence against the amendment, denouncing it as a violation of individual liberty.⁵ The Mobile Register also took the side of the opposition.⁶ In this connection it may be observed that Mobile county cast the largest majority of votes against the amendment with Montgomery county following next.⁷

The proposed amendment was defeated by the popular vote,⁸ in spite of the efforts of the Women's Christian Temperance Union, the Baptist and Methodist Churches, and the pro-amendment speakers, Governor Comer, Richard P. Hobson, H. S. D. Mallory, and Samuel D. Weakley, to secure its adoption.⁹ In view of the fact that public sentiment favor-

1. Ibid., October 31, 1909.
2. Ibid., November 30, 1909; Owen, T. M., History of Alabama and Dictionary of Alabama Biography, Vol. IV, P. 1219.
3. Montgomery Advertiser, November 5, 7, 1909.
4. Montgomery Advertiser, June 19, 23, 1881; November 21, 1884; July 1, 4, 1886.
5. Ibid., November 29, 1909.
6. Ibid., November 30, 1909.
7. Ibid., Jefferson County voted against the amendment by a large majority.
8. Montgomery Advertiser, November 30, 1909.
9. Ibid., October 2, 14, 16, 27; November 18, 1909; The two Alabama Conferences of the Methodist Church were postponed during the campaign so that the ministers could work for the prohibition amendment.

ed prohibition, as shown by the number of counties which adopted it in 1907, it is fair to assume that the defeat of the amendment was due to the popular belief that the Prohibitionists were going too far. This also caused the reactionary movement following the election.

In the gubernatorial election of 1910, Emmet O'Neal, the leading representative of the anti-amendment forces in 1909, defeated H. S.D. Mallory, the prohibition candidate.¹ Under Governor O'Neal's influence the legislature, in 1911, repealed state prohibition by passing a local option law which permitted each county to hold an election for deciding whether prohibition, the saloon, or the dispensary should operate therein.² The county local option law was followed by the Smith regulation bill in April 1911, which provided for the regulation of the sale of liquor in the counties voting for the saloon or the dispensary.³ Under the terms of this law, the cities of Alabama were divided according to population into five classes. The number of saloons in proportion to population and the cost of license ranging from \$1,000.00 to \$3,000.00 annually, were fixed by this law. Another provision of the law established an Excise Commission to carry out its regulations. It also provided that all saloons stay closed between the hours of eleven p.m. and six a.m..

Prohibition, state and national, was the issue in the elections of 1914. In October, 1914, the headquarters committee of the Anti-

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1. Interview with Judge Samford.
 2. General Acts of the State of Alabama, session of 1911, P. 26; Crumpton, W. B., How Alabama Became Dry, P. 17; Anti-Saloon League Year Book, 1912, P. 164; Several counties voted for prohibition under this law while several others voted for the saloon.
 3. Montgomery Advertiser, April 7, 1911.

Saloon League of Alabama called upon all the voters to support either ex-Governor Comer, or Walter D. Seed, the prohibition candidates for governor, and Richard P. Hobson, the prohibition candidate for United States Senator,¹ In both elections, however, the local option candidates Charles Henderson and Oscar W. Underwood, won.²

In the senatorial campaign, Mr. Hobson charged that Mr. Underwood was dominated by the liquor interests.³ Mr. Underwood's efforts in securing the passage of the inter-state shipment bill in 1913 were brought to his defense.⁴ It was largely under his influence that this bill, which eliminated from the protection of interstate commerce liquors shipped into a state in violation of its laws, was passed.⁵

The Alabama representatives in Congress did not give their full support to the resolution providing for constitutional prohibition which Mr. Hobson introduced in December, 1913. Those who took part in the debate on the day the vote was taken, December 22, 1914, strongly denounced it. Mr. Underwood called it "an attempt to rob the state of their jurisdiction over police matters, in part to destroy the right of local self-government, and to establish a precedent that would concentrate the power of all government in the government established here at Washington."⁶ He predicted that its passage would not eliminate the evils of intemperance, but would destroy local supervision of the liquor traffic and deprive the government of much revenue.⁷ Mr. Dent asserted

1. Tuscaloosa News, October 27, 1913.
2. Montgomery Advertiser, January 15, 1915.
3. Tuscaloosa News, October 7, 1913.
4. Ibid., November 11, 1913; January 11, 1914.
5. Ibid., November 9, 1913.
6. Congressional Record, Vol. LII, P. 519.
7. Ibid., P. 520.

in addition to the state rights argument, that national prohibition would restrict individual rights, and would not only deprive the government of the tremendous revenue from the liquor traffic but would require a large expenditure for its enforcement.¹ Mr. Heflin in an ardent speech announced that he would cast his vote against the proposed amendment because he stood for state rights.² Only four of the Alabama representatives, Abercrombie, Burnett, Hobson, and Taylor, voted in favor of the resolution. Underwood, Heflin, Blackmon, Dent and Mulkey voted against it, while Harris was paired in its favor.³ The numerous petitions to Congress against national prohibition demonstrated further that a large part of Alabama did not approve of it.⁴

1. Ibid., P. 65.

2. Ibid., P. 546.

3. Ibid., P. 616.

4. Ibid., Vol. LI, PP. 3184, 3483, 4501, 6094, 11075, 12002.

CHAPTER V.

ALABAMA ADOPTS STATE AND NATIONAL PROHIBITION.

State prohibition became effective again in Alabama on July 1, 1915.¹ In January of that year the legislature, in spite of the protest from Montgomery County, passed the bill which reenacted prohibition.² On the last day of the administration, this bill was sent to Governor O'Neal, who left it to Governor Henderson's consideration.³ The new Governor vetoed it; but offered an amendment providing for its submission to the popular vote.⁴ The legislature, however, disregarding the governor's amendment, passed the bill over his veto.⁵ The press of the anti-prohibition counties did not fail to denounce its passage. The Montgomery Advertiser referring to the rejection of the prohibition amendment in 1909 and the defeat of the prohibition candidates in 1914, charged that a referendum was refused because its outcome was foreseen.⁶ The Selma Times remarked that "a law flagrantly flouted by a whole city full of people becomes a menace to all law."⁷

In February, a bill which prohibited liquor advertising in newspapers, magazines, on bill boards, or in any other form, was passed

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1. Anti-Saloon League Year Book, 1915, P. 115.
Tuscaloosa News, June 29, 1915.
 2. Crumpton, W. B., How Alabama Became Dry, P. 17;
Citizens of Montgomery County, including at least fifty leading men of Montgomery, appeared before a joint session of the temperance committee of both houses and protested against the reenactment of state-wide prohibition.
Tuscaloosa News, January 14, 1915.
 3. Montgomery Advertiser, January 17, 1915.
 4. Ibid, January 23, 1915.
 5. Ibid,
 6. Ibid, January 15, 1915.
 7. Alabama Dry Again, Literary Digest, January 30, 1915, PP. 50, 180.

over Governor Henderson's veto.¹ This prohibition enforcement measure was declared unconstitutional by the Birmingham City Court,² but later it was upheld by the Alabama Supreme Court.³

Less than two years after Alabama again prohibited the sale of liquor, the movement for national prohibition culminated in the submission of a constitutional amendment to the state legislature for ratification. Bills embodying this proposal were introduced in Congress in 1876⁴ and in 1887 by Senator Blair of New Hampshire,⁵ and in 1914 by Representative Hobson of Alabama and Senator Sheppard of Texas. The Prohibition Party, the Anti-Saloon League, and the Woman's Christian Temperance Union had worked for nation-wide prohibition for many years, but the entrance of the United States into the World War in emphasizing the value of efficiency hastened the culmination of the movement.⁶

On August 1, 1917, the Senate passed the resolution which proposed a constitutional prohibition amendment. The Alabama vote was divided with Bankhead for it and Underwood in opposition.⁷ The House passed the resolution with amendments on December 17, 1917. The Alabama representatives were equally divided in voting on it.⁸ Representatives Heflin and Huddleston of Alabama spoke against national

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1. Tuscaloosa News, February 12, 1915.
 2. Ibid, April 9, 1915.
 3. Ibid, June 18, 1915.
 4. Gordon, E. P., Women Torch-Bearers, P. 86.
 5. Cherrington, E. H., op. cit., P. 232.
 6. Mathews, J. M., Prohibition, Encyclopedia Americana, Vol. XXII. P. 638.
 7. Congressional Record, Vol. LV. P. 5666.
 8. Ibid, Vol. LVI. PP. 469-70.

prohibition as a violation of state rights.¹ On the following day the Senate concurred in the amendments and the resolution was submitted to the state legislatures for ratification.²

On January 14, 1919, the Alabama Legislature ratified the prohibition amendment which shortly thereafter became a part of the federal constitution.³ In that year additional enforcement legislation which prohibited the manufacture, sale, transportation, and storage of liquor was passed.⁴ Thus the prohibition movement in Alabama had accomplished all that had ever been hoped for in law making. Among the law enforcement measures is one which prohibits the manufacture and sale of near beer, or any substitute.⁵ No other state has a similar law.

All efforts to repeal the prohibition laws since 1915 have failed. An attempt to pass the Bevo Bill was frustrated.⁶ The several liquor bills which were introduced in the legislative session of 1923 failed of passage.⁷ On the other hand, the 1923 legislature increased the appropriation for the State Prohibition Enforcement Department.⁸

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1. Ibid, Vol. LVI. PP. 457-58, 461-62.
 2. Gordon, E. P., op. cit., P. 1.
 3. Crumpton, W. B., How Alabama Became Dry, P. 18; The Eighteenth Amendment went into effect January 16, 1920.
 4. Anti-Saloon League Year Book, 1921, P. 136.
 5. Ibid, 1923, P. 100.
 6. Crumpton, W. B., How Alabama Became Dry, P. 18.
 7. Ibid.
 8. Anti-Saloon League Year Book, 1923, P. 100.

APPENDIX.

Counties under Prohibition on January 1, 1907, as listed in
the Anti-Saloon League Year Book, P. 914.

Autauga,	Hale,
Choctaw,	Jackson,
Clarke,	Lauderdale,
Conecuh,	Lawrence,
Chilton,	Lamar,
Clay,	Marian,
Cherokee,	Marshall,
De Kalb,	Monroe,
Escambia,	Sumter,
Franklin,	Washington,
Greene,	

Counties under Prohibition on January 1, 1908.

Autauga,	Calhoun,
Blount,	Chambers,
Bullock,	Clay,
Butler,	Coosa,
Choctaw,	Dale,
Clarke,	De Kalb,
Conecuh,	Escambia,
Crenshaw,	Etowah,
Chilton,	Franklin,
Cullman,	Fayette,
Cherokee,	Geneva,

Greene,
 Hale,
 Henry,
 Houston,
 Jefferson,
 Jackson,
 Lauderdale,
 Lawrence,
 Lamar,
 Lowndes,
 Lee,
 Marian,
 Monroe,
 Morgan,

Marshall,
 Pickens,
 Pike,
 Randolph,
 Russell,
 Sumter,
 Shelby,
 Saint Clair,
 Tuscaloosa,
 Talledega,
 Tallapoosa,
 Walker,
 Washington,
 Wilcox.

Counties with saloons or dispensaries on January 1, 1908.

Bibb,
 Baldwin,
 Barbour,
 Colbert,
 Covington,
 Coffee,
 Cleburne,
 Dallas,
 Elmore,

Limestone,
 Madison,
 Marengo,
 Macon,
 Mobile,
 Montgomery,
 Perry,
 Winston.

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Tuscaloosa W. C. T. U.

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