

# COUNTY DRAMSHOP FUND.

The Law Specifically States How It Shall Be Expended.

County Courts Have Long Violated That Law by Diverting the Money to Other Uses—Why Trips to Jefferson City Were Made.

Twice during the past three years the officials of Kansas City have gone to Jefferson City and asked the legislature to divide the dramshop license fund collected by the county. They were backed by the commercial bodies and by the press and people of Kansas City. Both times the city officials found the judges of the county court in the state capital protesting against the proposed legislation providing for giving the city the greater portion of the fund. At the session of 1890-91 the county judges prepared statements to show that they could not run the county during the next two years if they were deprived of the use of any of the revenue from saloons. They laid great stress upon the fact that the county was without an adequate system of public roads and upon the fact that they were engaged in building a new county court house and were about to build a new jail and criminal court building. They must have all the dramshop revenue in order to construct good roads, build good bridges and the court house and jail and criminal court buildings, and they would be hopelessly swamped if the bill giving the city 80 per cent of the dramshop revenue, which it was proposed to introduce in the legislature, should become a law.

Finding that notwithstanding their protests the bill might be passed by the legislature, the county judges made overtures to the representatives of the city. They promised that they would, if allowed to expend the whole of the dramshop revenue during the next two years, interpose no objection to the passage of a law dividing it at the session of 1892-93. But when it was again sought last winter to have a law enacted dividing the fund the county judges were once more on hand with statements and statistics. They were still in dire distress for funds, and must have all the saloon license revenue to defray the expenses of the county. They did not propose to be bound by their promise made during the previous session of the legislature. With the aid of certain members of the Jackson county legislative delegation they were able to defeat the proposed division of the dramshop fund.

The principal argument made in favor of the division of the dramshop fund was that only about \$8,000 is annually collected by the county from saloonkeepers outside of Kansas City and that the saloonkeepers of Kansas City pay the county more than \$200,000 annually.

Many good citizens and taxpayers have wondered where the large sums collected by the county from the keepers of saloons have been expended. The county judges and the county clerk and the county surveyor have on a number of occasions during the past three or four years prepared statements for publication, in which they have sought to make the public believe that they have expended vast sums in the construction of roads, bridges and culverts. Their statements have doubtless led those who have neither the time nor the inclination to make a thorough investigation of the affairs of the county court to believe that the county judges have been improving the old roads of the county and opening and constructing new roads at an astonishing rate. But the records of the county court do not warrant this conclusion. It is only within the past month that the court, by the imperative demands of a recently enacted law, has set aside a portion of the dramshop fund for road improvements.

The facts in regard to the improving and

road improvements.

The facts in regard to the improving and construction of county roads place the county judges in an unenviable light. They and some of their predecessors have, for years, openly and notoriously violated the plain provision of the law of the state in regard to the use of money obtained from saloon licenses.

The members of the present county court have held themselves up to the gaze of their constituents as men who could be depended upon at all times to discharge their duties in strict conformity with the laws governing the court. In order that they may not violate any of the provisions of the laws through ignorance or inability to rightly interpret them, they have a county counselor, who is a man of recognized legal ability, to give them, advice whenever they feel themselves in need of enlightenment. Notwithstanding their avowed self-righteousness and Counselor Adams' willingness and competency to lay down the law to them when requested to do so, they have diverted much of the money derived from saloon licenses, which the law demands shall be expended upon public roads, into other channels.

It is under the authority conferred by section 4575, article I, chapter 56, of the Revised Statutes, that the county court has been collecting license tax from the saloonkeepers of Jackson county. The section is as follows:

"Upon every such license there shall be levied a tax not less than \$25 nor more than \$200 for state purposes, not less than \$250 nor more than \$400 for county purposes, for each period of six months, the amount of the tax in every instance to be determined by the court granting the license. It shall be the duty of the county courts of the several counties of this state to cause one-half of all the revenue for county purposes derived from the tax on dramshop licenses to be set apart as a special road fund of the county, and cause the same to be divided among the various road districts in the county in proportion to the number of miles of public road in each district.

"Said fund shall be expended on the main lines of road in each district which lead to the most important towns in the county, in proportion to the public utility of such roads, and shall be expended under the supervision of the road overseer of each district, or some one appointed by the county court for that purpose, who shall be a resident taxpayer of the district, and shall give a like bond and shall receive the same per diem for his services as the road overseer of the district. Provided, that in counties having 50,000 inhabitants or less, where such license tax is derived from saloons situated in any township that is indebted and that have compromised, or that may hereafter compromise their indebtedness, then two-thirds of the county tax so derived from saloons shall be applied by the county court to the payment of the interest and principal of such township indebtedness until the debt is fully paid."

At the last session of the legislature an act amending this section was passed with an emergency clause attached, and the section as amended is now a part of the laws of Missouri, and the county court cannot disregard its provisions without subjecting the members of the court to prosecution for violating their oaths of office. The following is the section as amended:

"Upon every such license there shall be levied a tax not less than \$50 nor more than \$200 for state purposes; not less than \$250

nor more than \$400 for county purposes; for every period of six months, the amount of tax in every instance to be determined by the court granting the license. It shall be the duty of the county courts of the several counties of the state to cause two-thirds of all the revenue for county purposes derived from the tax on dramshop licenses to be set apart as a special road fund of such county, and cause the same to be divided among the various road districts in the county, in proportion to the number of miles of public road in each district. Provided, that the courts shall, in their discretion, have the power to use all or any part of said fund in one or more districts. Said fund shall be expended on the main lines of road in each district which lead to the most important towns in the county, in proportion to the public utility of such road, and shall be expended under the supervision of the road overseer of each district, or some one appointed by the county court for that purpose, who shall be a resident taxpayer of the district and shall give a like bond and shall receive the same per diem for his services as the road overseer of the district. Provided, that in counties having 50,000 inhabitants or less, where such license tax is derived from saloons situated in any township that is indebted, and that have compromised or that may hereafter compromise their indebtedness, then two-thirds of the county tax so derived from said saloons shall be applied by the county court to the payment of the interest and principal of such township indebtedness until the same is duly paid."

Section 4575 was enacted by the legislature in 1887. It will be seen that it required the county court to expend one-half of all the county revenue derived from saloon licenses upon the roads of the county, and that the court was also required to set aside such revenue as a special road fund of the county and cause the same to be divided among the various road districts of the county, proportionate to the number of miles of public road in each of the road districts. There was a further provision that the fund should be expended on the main lines of road in each district leading to the most important towns in the county in proportion to the public utility of such roads.

The amended section goes further and requires that two-thirds of all the revenue for county purposes derived from the dramshop license tax shall be set apart as a special road fund of the county. The county court is given authority to expend all or any part of the special road fund thus derived and set apart in one or more road districts whenever its members deem such expenditure advisable. The amended section also makes the minimum license tax for state purposes \$50, instead of \$25, as provided by the act of 1887.

In another article will be given figures showing the amount of money actually expended in road improvements by the county court, and they will make plain the open manner in which the law has been violated.