

NO LICENSE HELD THEY.

PROMINENT MERCHANTS ARRESTED FOR RETAILING LIQUORS.

Most of Them Pleaded Guilty and Were Fined \$40 and Costs Each—Druggists and Grocers Who Thought They Were Protected by the Payment of the Government's Special Tax—More Arrests to Be Made Today.

It was merchant's day yesterday in Justice Browne's court. Seven of the leading business men of Kansas City were fined \$40 and costs each for retailing liquor without licenses, and the cases of two more were continued until Friday. The various constables connected with the court were handed warrants to serve today upon a dozen more of the more prominent business men of the city.

Justice Browne, who has been in the office at 2007 Grand avenue, in the morning, dispenses justice, has been called to do the duty of a law-breaker, and the capture of that distinguished President Polkoto has been before the ink of Ninth and a prison on the charge of son county, Missouri, for the common-law offense of selling liquor without a license.

Christy, who had pleaded guilty to retailing liquors without license were: Reinhardt Bros., grocers, 132 Grand avenue; R. H. Williams, grocer, Missouri avenue and Main; Joseph Newman, grocer, 809 East Eighth street; Benjamin Holzmank, wholesale liquors, 322 West Sixth; Oliver & O'Bryan, wholesale liquors, 614 Broadway; T. J. Radford, druggist, 423 East Ninth and Ninth and Oak, and J. E. Herbst, druggist, 901 East Twelfth. These paid a fine of \$40 each and costs, which amounted in every case to about \$24.

George H. Huecking, grocer, 1019 Walnut, and Peter Day, wholesale liquors, 416 Delaware, were also arrested on the same charges, but their cases were continued until Friday.

A large batch of warrants will be served today upon other grocers, druggists and wholesale liquor dealers who have been violating the law, and arrests will be made daily until every merchant who sells liquor without a license will either comply with the State statutes or go out of business.

The arrests were made at the instigation of the retail liquor dealers of the city, and the general information in each case was filed by County License Inspector Charles Kshback.

For years the retail liquor dealers, who pay a dram-shop license each of \$1,000 a year, have complained of the merchants, who, without a license, sell liquors boldly and above board. It was generally supposed, both by the merchants and the liquor dealers, that the payment of the government special tax entitled a grocer or a wholesale liquor dealer to sell liquors in gallon lots. There was a great deal of complaint about the supposed unfairness of the law, but it was not supposed that there was any remedy. At last the saloon-keepers combined to devise some plan by which the grocers and druggists might be forced to either pay a license or quit selling whisky. Then it was discovered that the laws of Missouri provided ample protection to the man who paid a license by imposing a heavy penalty upon the man who would sell liquors without a license. It was discovered that the grocers never did have the right to sell liquors in less than five-gallon lots without a dramshop license.

Section 5016 of the Revised Statutes of 1889 provides that no grocer shall sell liquors in quantities of less than five gallons, and the penalty for violating this law is a fine of from \$40 to \$500 or from three to six months in the County jail, or both.

Section 462 of the Revised Statutes of 1889 provides that no druggist shall sell or dispose of in any way intoxicating liquors in quantities of less than four gallons without a written prescription from a regular practicing physician. The penalty for violating this law is a fine of from \$10 to \$500. The same law makes it a misdemeanor for a wholesale liquor dealer to sell in quantities of less than ten gallons without a dramshop license. It was under those laws that the arrests were made yesterday and that other arrests will be made today.

The arrests yesterday came like claps of thunder from a clear sky to the victims. They were all doing business at the same old stand and in the same old way when a constable walked in early yesterday morning and interrupted the figuring up of profits and losses. Then there was a jingling of telephone bells and hurried consultations with attorneys, and at 1 o'clock yesterday afternoon the nine men under arrest were climbing the stairs to Justice Browne's court. They found there an array of prosecuting witnesses under the marshaling of Assistant Prosecuting Attorney Joseph Brooks, who sat behind a desk with a self-confident look upon his face, which said as plain as words: "I've got you this time, boys." And it looked as if he had. At least it appeared that way to the defendants, for when the charges were read each one pleaded guilty and stacked up his \$64 alongside the man who had pleaded guilty before him.

There was a great deal of grumbling, of course, about the high-handed outrage of forcing a merchant in these stringent times to deplete his exchequer to the extent of more than half a hundred gold dollars. One man exhibited a government tax receipt and inquired with an injured air if that did not protect him. J. E. Herbst smiled pleasantly when his name was called. He was positive that the law could not clutch him. He explained to Assistant Prosecuting Attorney Brooks that he was a physician as well as a druggist and that in the combination of these two callings he had the right to prescribe whisky for a sick man, and then sell it to him. Attorney Brooks called three witnesses who were anxious to swear that Herbst had sold them whisky without questioning the state of their health, and the broad smile faded away from the countenance of Mr. Herbst.

Another man inquired the name of the witness against him. He was told, "Well," he said, "that's the vilest case of cold ingratitude that I ever encountered. That man has hung around my store for months. I have been treating him to whisky right along. He never bought but one gallon of whisky from me in his life, and now he turns to sting the breast that has warmed him to life on many a cold morning with a free glass of whisky. I'm going to quit the business. How much do I owe you?" And he paid his fine.

Prosecuting Attorney Brown said last night that four times as many persons pay the special government tax as take out a State and county license. "These three-fourths," he said, "are grocers and druggists who do an enormous business retailing whisky. I know a drug store next door to a saloon which does a bigger whisky business than the saloon. That is not justice to the man who pays a big dram-shop license. He should be protected."

One of the grocers who had been fined yesterday said last night that he supposed all along that the payment of his government tax was all the protection he needed to sell liquor in gallon lots. Since he had discovered his mistake he was going to quit dealing in liquors entirely, he said. The saloon-keepers were jubilant yesterday over the arrests. "Now we will have a chance to make living wages," said a well known saloon-keeper. "The grocers have just about captured our bottle trade and the druggists made sad inroads into our bar business. I want to see every man who sells liquor pay the same license I do. It's fair play that he should."