

PASS LIQUOR ACT ENDING 15-YEAR DRY REGIME

REVERSAL IN SENATE ENACTS CONTROL LAW

Overnight Shift Brings Approval of
Conference Report, 19 to 9; to
Allow Sale of Stronger Beer
Saturday Night

The Michigan legislature had finally voted the end of state prohibition Friday after more than 15 years had elapsed in which sales of liquor had been banned.

Only the signature of Gov. William A. Comstock was required to place a new and liberal liquor law upon the statute books.

Limitation of the alcoholic content of beer will be lifted at 6 o'clock Saturday evening as the first move of the state liquor control commission in conformity with provisions of the control bill finally approved late Friday morning.

Senate Reverses Stand

The vote in the senate which finally sealed the doom of prohibition was 19 to 9, a reversal of the action taken Thursday night when the conference report was disapproved by a vote of 13 to 17.

Here Are Chief Provisions of New Liquor Act

Complete state monopoly over original liquor sales.

Liquor to be dispensed through state-owned stores and by specially designated merchants on the basis of one merchant to each 750 population.

A five-man liquor control commission administers the law composed of three persons appointed by the governor, the governor and secretary of state. The governor and secretary of state, although serving in ex officio capacity, have a vote on the commission. The present commission has 17 members.

Glass sales of liquor permitted only after an affirmative vote of the local governing body.

Licenses to be issued by the commission upon recommendation of the local governing body.

The commission may establish a liquor store in each county with one for each 75,000 population in counties of population in excess of 500,000.

Revenues to be loaned to school districts eventually reverting to the old age pension fund after administration expenses are paid.

Frantic efforts overnight of legislative leaders, both republican and democratic, accounted for the marked change in senatorial sentiment.

The house on Thursday had approved the report by a close margin of 52 to 34 votes, barely a majority.

The bill was ordered enrolled and will be ready for signature probably early Saturday. Although Governor

A complete summary of the new liquor control act will be found on Page 12.

Comstock left the city Friday noon for Ann Arbor he expected to have the bill brought to him in Detroit Saturday.

The measure was given immediate effect in both house and senate.

Picard Tells Plans

Frank A. Picard, chairman of the commission, reappointed to the same position in the new commission by Governor Comstock, said that it would be probably two weeks at least before state liquor stores could be set up, personnel selected, and sales actually started.

Meanwhile the commission intends to demand an accounting from drug stores and hotels having stocks of liquor with the view of purchasing these supplies and reselling to the retailers.

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O'BRIEN REVERSES

STAND ON DISTER

LIQUOR BILL PASSES; YULE DRINKS ASSURED

(Concluded from Page 1)

who in turn will sell directly to the public

Temporary licenses will be issued and legal sales probably will start by Monday through drug stores, he said.

The commission has also issued an order removing the maximum price to be charged for beer in view of the fact that breweries are put to additional expense in the manufacture of beer of an alcoholic content higher than 3.2 percent.

The commission has already obtained information relative to rentals of buildings to be used for liquor stores, including in many instances corner bank buildings. Bank buildings, Picard points out, furnish ideal locations for liquor stores and in addition have facilities for storing of wines and spirits in vaults originally designed to contain valuables of other description.

Announces Commission Choices

Immediately following passage by the senate Friday morning of the conference report Governor Comstock announced personnel of the commission to take office as soon as the bill becomes a law with his signature attached.

With himself and Frank D. Fitzgerald, secretary of state, members of the present executive committee will continue to serve. They are Picard, V. E. Gormley of Newberry, and Dean Halford of Kalamazoo. Thus there will be two republicans and three democrats charged with administration of the act.

The commission intends to decide late Friday the average price to be charged merchants who will be licensed temporarily next week. These merchants may charge the public whatever price they can get or what the traffic can stand.

To Prevent Illegal Sales

Picard emphasizes the determination of the commission to prevent liquor sales before licenses are granted. Stamps must be obtained and the records of merchants examined before liquor sales will be permitted. There is the additional necessity of gaining approval of local legislative bodies before licenses are granted to sell spirits.

The bill provides that restaurants and beer gardens may continue to operate until May 1 without necessity of obtaining new licenses.

A definite rule has been decided upon, Picard said, prohibiting employees in liquor stores from recommending any particular brand of spirits or wine. The customer, if requesting information relative to brands, will be furnished a price list and compelled to make a choice.

Thinks Supply Sufficient

Picard said that he believes there is sufficient liquor in the state now to quench the thirst of most customers held by drug stores and hotels.

Chances for passage of the bill had been considered extremely remote after the senate had rejected the conference report. The Wayne county delegation, aligned almost in a body against the report at that time, had an overnight change of heart, however and five of their seven votes saved the day for proponents of the measure. The report had been reconsidered and laid on the table following its rejection.

The senate's action came after the Friday morning's session was delayed a half-hour by absence of a quorum. The Wayne members were conspicuously absent during this time and it was suspected that a caucus of the delegation was held at which agree-

ment was reached to fall in line for the conference report. A call of the senate was finally ordered shortly after 10:30 o'clock, and the report, already taken from the table, was put to another vote as soon as two of the three missing members were located.

Detroiters Change Votes

The senate swung back to approving the bill when five Detroit democrats who had opposed it Thursday night, changed their votes, coupled with the fact that Senator Claude B. Root (D) of Greenville, who did not vote Thursday night, voted for the bill Friday morning, making up the total of six new "yes" votes which increased the affirmative votes from 13 to 19. The 17 negative votes of Thursday night were converted into the 9 negative votes of Friday morning, first by the jump of the five Detroit democrats, plus Senators Charles B. Asselin (D) of Bay City, and George Leland (R) of Fennville, both of whom voted "no" Thursday night, but refused to vote Friday morning. Senator Ben Carpenter (R) of Harrison who voted against the report Thursday night, went home and did not return Friday, making the total of 8 negative votes lost overnight. The five Detroit democrats who switched their votes and turned the result were Gorman, Karwick, McKenna, Murphy, and Nichczynski.

Back of the scenes stood the diminutive form of Lieut. Gov. Allen B. Stebbins, president of the senate, who, in the minds of many, is responsible, as much as any other one person, for the change of heart in the five Detroiters, though there may have been other important considerations discussed over-night in Lansing hotel rooms. Mr. Stebbins threatened that if the report were not accepted and a second conference committee were to be appointed, he would promptly name Senators Upjohn, Ruff and Town, dry men, as senate conferees, without regard for party politics. This would have virtually insured no "sales by the glass" for Wayne county. The Stebbins' threat was carried to the five Detroiters.

Foster Opposes Report

Senator Joe C. Foster (R) of East Lansing was consistent, opposing the report on both votes.

The conference report was subjected to rough treatment Thursday night, forecast in bitter attacks on it with no very inspiring defense before the roll was called.

Most amazing of the trends noted in the vote was the fact that of the seven members of the Wayne county delegation, including a republican, six voted against the measure. Senator A. J. Wilkowski, chairman of the prohibition committee, was the sole Wayne man to vote for the report. It was from this group that friends of the report and of the bill itself expected to recruit most of their needed strength for the second test Friday morning.

So far as could be ascertained, there was no common reason against the report shared by the Wayne delegation members, several having differing objections to it. But because liquor by the glass, for which Wayne clamored, was provided for in the bill, some members were indignant at their actions.

Senator Leon D. Case (D) of Watervliet, administration floor lead-

PHOTOGRAPHS

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er, said, after the session: "Those Wayne county members will take straight bottle sale or nothing, if we have to start a new bill over again."

Munshaw Casts Late Vote

Considerable confusion resulted from the fact that Don W. Canfield, senate secretary, allowed Senator Earl W. Munshaw (R) of Grand Rapids to cast his vote for the report, after the vote had been checked and finally announced as 12 to 17. The official records of the senate will show the vote but press stories over wires from the senate press room had already been filed, only to be corrected when the late vote was allowed without announcement. Senator Claude B. Root (D) of Greenville, present in the chamber, did not vote when the roll was called or afterwards.

The opening gun against the report was fired by Senator Joe C. Foster (R) of East Lansing, who moved the report be sent to the finance committee on the grounds it appropriated money. His motion was ruled out of order by Lieut. Gov. Allen B. Stebbins, president of the senate.

Senator William F. Doyle (R) of Menominee contended that "the state will be in the rotten whisky business under this bill." "We've broken faith with the voters," he said, "and are trying to get saloons under a new name." The only comment from the Wayne delegation was from Senator Wilkowski, who foreshadowed his vote by counseling, "It's not entirely what any one of us wants, but let's try it out."

Foster Raises Technical Point

While Senator Adolph F. Heidkamp (R) of Lake Linden preserved his usual silence, the upper peninsula was again represented when Senator Ray Derham (R) of Iron Mountain assailed the measure by claiming "Al Capone himself couldn't have done a better job for the speakeasies and the bootleggers."

A second attempt by Senator Foster to defeat the report was made when he cited senate rules barring consideration of the conference report because it dealt with one matter allegedly not a subject of difference between the two houses in the forms in which they originally passed the measure. After a lengthy altercation with Senator Herbert P. Orr (R) of

Caro, who declared the legislature at the regular session had set a new precedent by passing an entirely new bill framed by a conference committee, Foster's protest was overruled.

With the calling of the roll and the settlement of the issue for one day at least, there was a flutter of rule books, as members sought to further their respective intentions of killing or saving the report.

The report was pushed through the house despite vociferous protests from members who objected to the provisions permitting liquor sales by the glass and other controversial features. Leadership in the drive for the revised bill was supplied by Representative George C. Watson (R) of Capac and Representative George A. Schroeder (D) of Detroit, members of the conference committee.

House Margin Narrow

The margin was narrow, only 52 votes, or one vote over the required majority, being cast for adoption of the report.

Die-hards, including Representative Miles M. Callaghan (R) of Reed City and Representative Douglas Tibbets (R) of Boyne City, attempted to block its passage even after the final vote was taken. Representative Callaghan insisted that the bill should have gone to the ways and means committee because it carried an appropriation and Representative Tibbets insisted that a two-thirds vote was required for the same reason. Both were overruled.

Representative Watson explained that the conference report was a compromise at best and could not be expected to please each member. He said that the conference committee had attempted so to change the bill in such a way that the final measure would tend to encourage drinking of light wines and beer rather than hard liquor.

Representative Keith Kellogg (D) of Ithaca declared he could never vote for a bill which gave the liquor commission authority to exercise unlimited expense accounts, contending that such liberty would only result in setting up a great political machine.

Representative Ate Dykstra (R) of Grand Rapids, long a dry leader in the legislature, declared the bill was inequitable in that it gave to Wayne county liquor sales by the glass, per-

mitting only such privilege in smaller counties after a vote of the local governing body. He contended that glass sales in effect reestablished the old-time saloon.

To the provision permitting glass sales in Wayne county Representative Frank Calvert (R) of Highland Park voiced objection. Highland Park has always been dry although situated in wet Wayne county.

Lansing's representative, Allan A. McDonald, voted against the measure declaring it to be poorly written. He said if it were put into effect it would soon force Lansing and Ingham county back to prohibition with a vengeance. He was not supported by his colleague, Representative Vernon J. Brown (R) of Mason, who voted for the measure.

With a last-minute plea Representative Watson obtained a two-thirds vote to give the measure immediate effect. He declared that an intolerable situation would exist, if, after the bill was passed, it did not become immediately operative.

"Unlimited lawlessness will result if you do not give this bill immediate effect," he said. "Although many of you have voted conscientiously against the bill it has passed this house and probably will soon become a law. The people knowing that you have repealed the state prohibition laws will not obey an obsolete law and lawlessness unbridled will only result."

The vote for immediate effect was practically unanimous, even Representative Dykstra who opposed the measure, voting with Representative Watson.

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Five-Member Commission Given Broad Powers to Rule Traffic

Number of State Stores Limited to One for Every 75,000 Population; Either Hotels or Restaurants May Be Licensed for Sales of Hard Liquor by Glass with Local Consent

Major provisions of the liquor control act affecting the general public follow verbatim:

Excepting as otherwise provided in this act, no sale or delivery of alcoholic liquor, other than beer, shall be made in this state unless by the commission, or its authorized agent or distributor. All alcoholic liquor, other than beer, for distribution in this state, shall originally be purchased by or imported into the state by the commission.

A commission to be known and designated as the liquor control commission of the state of Michigan is hereby created. The commission shall consist of five members, three members, not more than two of whom shall be members of the same political party, to be appointed by the governor with the advice and consent of the senate, and the governor and secretary of state as ex-officio members. Each appointed member of the commission shall devote his entire time in the performance of the duties of his office. The term of the several appointed commissioners shall be three years each, except the members first appointed. In appointing the first commissioners the governor shall designate one commissioner for the term of one year, one commissioner for the term of two years and one commissioner for the term of three years.

The governor and secretary of state shall have a vote on the commission. A quorum for the transaction of business shall consist of two or more of the appointed commissioners and the governor or secretary of state.

Salaries Set at \$5,000

Each of the appointed commissioners shall receive an annual salary of \$5,000 each and each member of the commission shall be entitled to actual and necessary expenses while on the business of the commission.

The soliciting and procuring of an endorsement of any member of the legislature for the appointment to any position under the control of the commission shall disqualify the person

receiving such endorsement from holding the position.

The commission may establish state liquor stores throughout the state of Michigan: Provided, that in counties under 75,000 population according to the last federal census there shall be no more than one store in any such county: Provided further, that in counties of 75,000 population or over according to the last federal census such stores shall not exceed one for each 75,000 population or major fraction thereof according to the last federal census.

Hotels May Sell Bottled Goods

The commission may license any hotel or established merchant, in such places as it may designate to sell alcoholic liquor for consumption off the premises. Such distributors shall be paid by the commission a sum to be fixed by the commission: Provided, however, that in no case shall such payment exceed the sum of twelve hundred dollars per annum. Where alcoholic liquor is sold by specially designated distributors, it shall be sold at a price to be fixed by the commission and without profit to the distributor, and shall be sold in accordance with the rules and regulations of the commission.

The commission shall establish a uniform price or prices for the sale of alcoholic liquor in state liquor stores and by specially designated distributors. Such price or prices shall not return a gross profit to the commission in excess of 40 percent: provided, however, that wine manufactured in Michigan from the juice of grapes grown in Michigan shall be sold at prices that shall not exceed the cost to the commission of buying and distributing such wine, and shall in no case exceed a gross profit to the commission of 10 percent. On the sale of alcoholic liquors made by state liquor stores or specially designated distributors to establishments licensed to sell for consumption on the premises, there shall be allowed a discount of 15 percent deducted from the sale price as established by the commis-

sion, but in no case shall such discount reduce the price below the cost of the commission plus a 10 percent gross profit.

Must Have Local Approval

All applications for licenses to sell beer, wine or spirits for consumption on the premises shall be approved by the local legislative body in which said applicant's place of business is located before being granted a license by the commission: provided further, that upon request of the local legislative body, the commission shall revoke the license of any licensee granted a license to sell beer, wine or spirits for consumption on the premises: provided further, that these provisions shall not apply in counties having a population of 500,000 or over, according to the last federal census.

No license shall be granted to sell spirits in any form at retail for consumption on the premises in excess of one license for each 750 of population, or major fraction thereof, according to the last federal census.

No licensee enumerated in this section or any other person shall sell at retail, give away or furnish any spirits on any Sunday, primary election day, general election day or municipal election day.

Classify Vendors

The following classes of vendors shall have the right to sell the several alcoholic liquors as provided for in this section:

1—Taverns wherein beer may be sold for consumption on the premises only.

2—Restaurants of Class "A" wherein beer may be sold for consumption on the premises only;

Restaurants of Class "B" wherein beer and wine may be sold for consumption on the premises only;

Restaurants of Class "C" wherein beer, wine and spirits may be sold for consumption on the premises only.

3—Beer gardens wherein beer may be sold for consumption on the premises only.

4—Clubs wherein beer and wine may be sold for consumption on the premises only, and spirits may be kept and furnished to bona fide members, who have attained the age of 21 years.

5—Hotels of Class "A" wherein beer and wine may be sold for consumption on and off the premises; hotels of Class "B" wherein beer, wine, and spirits may be sold for consumption on and off the premises;

6—Specially designated merchants, wherein beer and wine may be sold for consumption off the premises only;

7—Specially designated distributors wherein beer, wine, and alcoholic liquor may be sold for consumption off the premises only;

8—Manufacturers wherein beer may be sold for consumption off the premises only, and wherein alcoholic liquor other than beer may be sold only to the commission;

No alcoholic liquor shall be served to a person on the premises unless said person is seated at a table; nor served over a bar for consumption thereat; provided, however, that alcoholic liquor may be served by any hotel licensed individually under the provisions of this act in the room of a bona fide guest thereof. No spirits shall be consumed in any place licensed under this act to sell beer or wine and not licensed to sell spirits.

No regulation shall be made requiring the purchase or serving of food with the purchase of alcoholic liquor, nor shall any food of any kind be given away in connection with the sale of alcoholic liquor.

No alcoholic liquor, other than beer, shall be sold to any person unless he shall have attained the age of 21 years; and no beer shall be sold to any person unless he shall have attained the age of 18 years.

No alcoholic liquor shall be consumed on the public highways. No alcoholic liquor, except beer or wine shall be consumed in public parks and places of amusement not licensed to sell for consumption on the premises.

Local Option Permitted

Spirits for consumption on the premises, in addition to beer and wine, may be sold by restaurants and hotels, approved by the commission under this act, when the legislative body of any city or village or township shall, by resolution of a majority vote of the members elect, within 60 days after the effective date of this act, vote in favor thereof: Provided, however, that within one year from any action taken by such legislative body, or, in case such legislative body shall fail to act within said 60-day period, within one year from the expiration of said 60-day period, and every four years thereafter, a petition signed by not less than 20 percent of the qualified electors of any such city or village or township of the entire vote cast for the office of secretary of state

in such city or village or township, as the case may be, at the last general election, may be filed with the city or village or township clerk, as the case may be, requesting the submission of the question of sale of spirits for consumption on the premises, in addition to beer and wine. The city or village or township clerk, as the case may be, shall call a special election in said city or village or township to be held within 60 days of the filing of such petition.

Militant Dry Assails Efforts For Liquor Law as Schools Close

Judge E. J. Millington Ac- cuses Governor of Ignor- ing Educational Crisis

Declaring that Gov. William A. Comstock is trying to provide for the return of whisky while the public school system of Michigan is crumbling, Judge E. J. Millington, militant Cadillac prohibitionist, assailed the major political parties and called for a rebirth of democracy at a meeting Thursday night at Central Temple house.

Judge Millington, who gained nation-wide attention several months ago for keeping a man in jail because he refused to tell the source of his liquor, spoke as chairman of the new commonwealth party's education committee. This party was formed here some weeks ago, a successor to the old prohibition party.

The speaker attacked the liquor traffic and gambling, said that newsstands and bookstores are littered with a mass of vile literature, that moving pictures are indecent, and that American youth is being corrupted.

"Education is passing through a great crisis and the republican and democratic parties have not tried to stop this destruction of the American public school system," Judge Millington declared. "We have 3,500,000 children roaming the highways and

streets today and another 2,000,000 have been deprived of education by closing of public schools.

"The flood has only started," he continued. "We are facing an attempt by certain interests to make all children pay a tuition fee for education above the eighth grade. We must never allow education to become a privilege in this country."

The speaker pointed out that additional taxation is not necessary to save the schools, but tax funds today are being diverted among a host of political job-holders. He said the present archaic system supports 5,300 school districts in the state with three paid officials in every district. "The republicans and democrats will do nothing about this," he added.

Approximately 100 persons attended the meeting.

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Shopping
Days
to
Christmas

