

Elizabeth Dell Oliver. THE TURLINGTON ACT: 1923 NORTH CAROLINA PROHIBITION CONFORMITY ACT. (Under the direction of Henry C. Ferrell, Jr.). Department of History, May, 1977.

This study relates why the North Carolina Conformity Act, better known as the Turlington Act, was enacted as a law by the North Carolina General Assembly in 1923. After federal laws such as the Eighteenth Amendment and its accompanying law of enforcement, the Volstead Act, intervened in attempts to control the production and consumption of alcoholic beverages, state efforts to maintain their original controls had to be reinforced with a stricter law.

As a preliminary to the passage of the Turlington Act, this study provides a background of the prohibition movement in North Carolina from the colonial period through the passage of the Volstead Act in 1918. With North Carolina's 1908 Prohibition Law in effect for ten years, the cause which was assumed by the federal government in 1918 merely reflected the attitude of many North Carolinians. Thus, in 1923, the Turlington Act met with very little opposition in the General Assembly. This Conformity Act was the last of a series of prohibition laws passed in the North Carolina legislature and it is still applicable in those counties which did not opt for Alcoholic Beverage Control Stores once prohibition was repealed in 1933.

The downfall of prohibition, particularly the lack of organized enforcement of the law, is also explored in this study. The conclusion being that the inability to correlate state and federal controls in this matter and other New Deal programs of the early 1930's prevented success with the prohibition undertaking and made other government

efforts, such as relief programs, difficult to maintain.

THE TURLINGTON ACT:  
1923 NORTH CAROLINA  
PROHIBITION CONFORMITY ACT

by

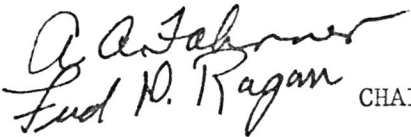
Elizabeth Dell Oliver

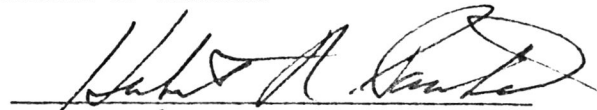
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THE TURLINGTON ACT:  
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CHAPTER I  
A SURVEY OF PROHIBITION LEGISLATION  
IN NORTH CAROLINA, 1715-1918

When the North Carolina 1923 legislature convened on January 3, 1923, the 170 lawmakers faced a variety of items from discussions among their cohorts for passage of their pet projects to the necessity to align North Carolina's statutory laws with the Nineteenth Amendment. Since the 1919 General Assembly ratified the amendment and its accompanying prohibition enforcement law, the Volstead Act, the matter had seemed cut and dried. The legislators knew that the state law and restrictions needed to be adjusted to meet national categories and mandates.

In the indepth study, Prohibition in North Carolina 1715-1945, Daniel Whitener dismisses with one paragraph the passage of what became the Turlington Act.<sup>1</sup> This simplistically places the Turlington Act in the overall history of prohibition in North Carolina, but Whitener does not consider the legislative history of the act itself. Though most

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<sup>1</sup>Daniel Jay Whitener, Prohibition in North Carolina, 1715-1945 (Chapel Hill: University of North Carolina Press Volume 27 of the James Sprunt Studies in History and Political Science, 1945), 182, hereinafter cited as Whitener, Prohibition in North Carolina. The passage reads: "In 1923, an act written be Judge Heriot Clarkson to make the state laws conform to the national law in relation to intoxicating liquors as beverages containing one-half of one per centum or more of alcohol by volume. To manufacture, sell, barter, transport, import, export, deliver, furnish, purchase, or possess intoxicating liquor, with a few exceptions, was declared illegal. Its possession was declared to be prima facie evidence of keeping for sale, 'but it shall not be unlawful to possess liquor in one's private dwelling while the same is occupied and used by him as his dwelling only, provided such liquor is only for the personal consumption of the owner thereof, and his family residing in such dwelling, and his bona fide guests.' Thus the procuring of liquor was illegal, but once in the home for private use it was lawful. Liquor for non-beverage purposes and wines for sacramental purposes were excepted."

persons were in agreement that the time had arrived for conformity with the national law, this act deserves more than the mere mention it has received by historians thus far. In addition, the act itself dealing with important social mandates for North Carolinians was a harbinger of other legislation affecting North Carolina in the 1930's. The form of the act, although dealing with prohibition, has much of the shape of similar legislation during the New Deal. In addition, the Turlington Act as part of the long history of the prohibition movement in North Carolina had its opposing forces with specific character. The act represents the end result of a local, then state and finally national movement returning back to its sources. National priorities altered the local practice, despite the support for prohibition given by many North Carolinians.

While the prohibition era bloomed only a few years on the national scene, the roots of the movement go much further. The temperance movement encompassed the problem of liquor consumption, or rather over-consumption. At least such was the case in North Carolina. Though North Carolina was the first state in the union to have a prohibition law approved by popular vote,<sup>2</sup> it was no over-night or spur-of-the-moment decision. Designed to correct the abuses of public drunks, the first recorded public law in North Carolina relating to alcoholic beverages was issued during the Great Revival of 1715. It required liquor retailers to use "English sealed Measures (that is to say) Pints,

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<sup>2</sup>David Leigh Colvin, Prohibition in the United States: A History of the Prohibition Party and of the Prohibition Movement (New York: George H. Doran Company, 1926), 435, hereinafter cited as Colvin, Prohibition in the United States.



Quarts, Bottles and Gallons . . . in an attempt to protect the consumers."<sup>3</sup> Violators of this law were fined five pounds. The public treasury received one half and the informer received the other half thus indicating the obvious means of control.<sup>4</sup> The grog shops, as all retail liquor establishments were called, and the tippling houses, the forerunner of the saloon, were the targets of early disapproval regarding liquor, yet no successful effort to curtail or block their business was ever made.<sup>5</sup>

The early temperance movement closely associated itself with the reforms of Jeffersonian and Jacksonian democracy. The movement was carried by ministers and church-going people. As early as 1800, these persons had worked for and obtained a law forbidding the sale or distribution of liquor on church grounds to those assembled for worship. Temperance societies that had been formed prior to the Civil War provided the support that gave the movement its best publicity. "Frankly and without apology the temperance leaders were engaged in an effort to reform society, and they always regarded themselves as propagandists seeking a reformation in the habits and thinking of people."<sup>6</sup>

Ante-bellum temperance spokesmen worked from the basis that consumption of alcoholic beverages was a personal problem and to overcome the

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<sup>3</sup>Walter Clark (ed.), The State Records of North Carolina (Winston and Goldsboro: State of North Carolina, 16 volumes, numbered XI-XXVI, 1895-1914), XXIII, 79-80.

<sup>4</sup>Whitener, Prohibition in North Carolina, 1.

<sup>5</sup>Daniel Jay Whitener, "The Temperance Movement in North Carolina," South Atlantic Quarterly, XXIV (July, 1935), 306, hereinafter cited as Whitener, "Temperance Movement."

<sup>6</sup>Whitener, Prohibition in North Carolina, 14-15.

problem, the individual's attitude needed to be changed. This was a somewhat different approach from that taken by the prohibitionists a little less than a century later when public drunks were seen as examples of one of society's ills needing correction through public laws. "Even by 1860 moral suasion had spent its force, and the reformers were experimenting with prohibitory laws."<sup>7</sup> During the Civil War, a state law was passed to prohibit the manufacture of various kinds of spiritous liquors to protect the food supply within the state and had nothing to do with the temperance or prohibition movement. The unfavorable response given the law firmly implanted itself in the memory of prohibitionists. Another generation waited before the issue became public again.<sup>8</sup>

In 1851, the state of Maine became the first state to pass a prohibition law.<sup>9</sup> In North Carolina, the Maine law became a byword as the state-wide prohibition movement sought simply passage of a "Maine Liquor Law."<sup>10</sup> In the years following the Civil War, the demand for a "Maine Liquor Law" became louder and clearer. Several factors were responsible for the growth of interest in legal means to prohibit the manufacture and sale of liquor. "Its origins must be sought in the dissatisfaction with the license system, the custom of treating with whiskey at elections, the laws prohibiting the sale of liquor to certain persons and at certain places, and to the growing belief of many people

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<sup>7</sup>Whitener, Prohibition in North Carolina, 57.

<sup>8</sup>Whitener, Prohibition in North Carolina, 50-51.

<sup>9</sup>Colvin, Prohibition in the United States, 435.

<sup>10</sup>Whitener, Prohibition in North Carolina, 34.

that moral suasion and temperance societies should have the aid of the government."<sup>11</sup>

After the War, the Republicans used the tax system that had grown out of the necessities of taxation during the War. In 1862, the United States Congress passed a twenty-five cents per gallon tax on liquor. By 1864 this tax was two dollars. Although lowered to ninety cents in 1875, the rate of taxation remained the same until the Spanish-American War when it was raised to one dollar and ten cents. Appointees of the Republican party were charged with failing to abide by the laws and using their offices as tax collectors for personal gain.<sup>12</sup> Naturally this did not sit well with the Democratic majority of the populace. The "certain persons" who had been prohibited by law from buying liquor for years were free after the War to buy the goods they wanted, the same as anybody else. "People who before the War would have regarded prohibitory legislation as invading the field of their personal rights now lent hearty cooperation for prohibition to keep liquor away from the Negro."<sup>13</sup>

Along with a rebirth of temperance societies, their newspapers, and Christian supporters from the Baptist and Methodist congregations, the "greatest petition movement in the history of the state began in the 1870's."<sup>14</sup>

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<sup>11</sup>Whitener, Prohibition in North Carolina, 34.

<sup>12</sup>Whitener, Prohibition in North Carolina, 51-52.

<sup>13</sup>Whitener, Prohibition in North Carolina, 57. Whitener uses Dr. Leonard S. Blakey's study, The Sale of Liquors in the South (Columbia, 1907) to discount the influence of Blacks on the prohibition movement in the South. Whitener indicates that the strongest prohibition sentiment in North Carolina came from the Piedmont and mountain regions which traditionally had smaller percentages of black populace.

<sup>14</sup>Whitener, "Temperance Movement," 308.

The loudest voice in this period came collectively from the "Friends of Temperance" organized in Petersburg, Virginia in 1865 and by 1877 had 190 local chapters in North Carolina, the largest lodges being in Goldsboro and Wilmington.<sup>15</sup> Other outstanding temperance societies were the "United Friends of Temperance" and "Independent Order of Good Templars." The "Good Templars" were perhaps the best known group in the state because of their popular publication The Spirit of the Age edited by Theodore N. Ramsay. The paper was published in Raleigh, the site of the largest lodge consisting of 500 members. A big rally sponsored by a joint effort of these societies plus several Christian denominations was called for January 12, 1881 to organize their members and push the prohibition issue on the state legislators.<sup>16</sup>

The temperance forces encountered problems regarding the type of law they wished to see passed. Some elements wanted a general prohibition law excepting the manufacture and sale of wines and beers. Other groups wanted an all-holes-barred prohibition law which would be subjected to the vote of the people and still other critics did not think it necessary for the people to vote. This bickering led to a weakened compromise bill being submitted and passed by the House and Senate in 1881.<sup>17</sup> The law,

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<sup>15</sup>Ernest Hurst Cherrington (ed.), The Anti-Saloon League Yearbook, 1925: An Encyclopedia of Facts and Figures Dealing with the Liquor Traffic and Temperance Reform (Westerville, Ohio: The Anti-Saloon League of America, 1925), 124, hereinafter cited as Cherrington, Anti-Saloon League Yearbook, 1925.

<sup>16</sup>Whitener, Prohibition in North Carolina, 55-56, 64-68, also Daniel Jay Whitener, "North Carolina Prohibition Election of 1881 and Its Aftermath," North Carolina Historical Review, XI (April, 1934), 74-80, hereinafter cited as Whitener, "North Carolina Prohibition Election."

<sup>17</sup>Whitener, Prohibition in North Carolina, 67, also Whitener, "North Carolina Prohibition Election," 78.

if approved by the people on the first Thursday in August, 1881, would "Prohibit the manufacture and sale of spiritous and malt liquors in this state."<sup>18</sup> The sale of liquors was to be prohibited except for medical, chemical and mechanical purposes.

Not to be backed in a corner, or bullied by the temperance forces, the liquor dealers rallied in June, 1881. They formed the Anti-Prohibition Association and set about campaigning for the defeat of the prohibition law. Partly because of this organized resistance, partly because of a poorly written law, and partly because some citizens of North Carolina still viewed this law as too strict or too much of an infringement on their private lives; August 4, 1881, saw the defeat of the state-wide prohibition law. As the anti-prohibition faction grew, the Republican party joined the team and by mid-August took credit for its defeat. The Anti-Prohibition Association became the Anti-Prohibition Party, which in league with the Republicans lasted through the 1884 elections.<sup>19</sup> For the most part, however, the prohibition forces died out altogether. "This defeat was so convincing and crushing that little was said or done for prohibition in the next twenty years."<sup>20</sup> The main force left to carry on the fight for prohibition was the Woman's Christian Temperance Union which had been founded at Hillsboro, Ohio, in

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<sup>18</sup>Journal of the Senate of North Carolina, 1881, 542, hereinafter cited as Senate Journal, with the appropriate date, and Journal of the House of Representatives of North Carolina, 1881, 569, hereinafter cited as House Journal, with the appropriate date.

<sup>19</sup>Whitener, Prohibition in North Carolina, 70, 73-78, also Whitener, "North Carolina Prohibition Election," 81-82, 84-93.

<sup>20</sup>Cherrington, Anti-Saloon League Yearbook, 1925, 124.

December, 1873. In 1883 at Greensboro, North Carolina, Frances E. Willard, president of the National Union, organized a state union.<sup>21</sup> This organization survived through the "roaring eighties and terrible nineties."<sup>22</sup> These years witnessed two other aspects of the temperance movement gaining influence. The dispensary and local option elections became means that allowed individual cities and towns to control liquor traffic.

The dispensary movement grew out of a system of liquor control first adopted in South Carolina based upon a private monopoly organization used in Europe. In this case, the monopoly over liquor was held by the state. Governor Ben Tillman is given individual credit for the establishment of the South Carolina Dispensary. In an attempt to avoid all-out prohibition, which according to a referendum in 1892, seemed acceptable to the voters of South Carolina, Tillman proposed a solution to prohibition which evolved out of his philosophical objections to total prohibition. He forced his alternative, a state-wide dispensary system, through the South Carolina Legislature. The prohibition law passed in 1892 carried an amendment which, "In fact, . . . created a public monopoly of the liquor trade."<sup>23</sup> The South Carolina Dispensary

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<sup>21</sup>Whitener, Prohibition in North Carolina, 104.

<sup>22</sup>Whitener, "Temperance Movement," 307.

<sup>23</sup>Francis Butler Simkins, Pitchfork Ben Tillman: South Carolinian, (Baton Rouge: Louisiana State University Press, 1944), 239. See also Ellen Alexander Hendricks, "The South Carolina Dispensary System," North Carolina Historical Review, XXII (April, July, 1945), 167-197, 320-349.

System was applied by state law to individual counties and towns.<sup>24</sup>

The first state law establishing a dispensary in Waynesville, North Carolina, passed in 1895. Hickory set an election for the same year.<sup>25</sup> Supporters of the local dispensaries proclaimed its chief merit to be the regulations placed upon the liquor traffic, contending that it was far superior to a saloon because, for one thing, it did not offer the same atmosphere.<sup>26</sup> For a second reason, supporters said that it "takes the liquor business out of politics. Not only for sobriety of life, but for purity in politics, the dispensary is an immense improvement over the open saloon."<sup>27</sup> In 1899, a state tax was levied on all dispensaries,<sup>28</sup> supposedly giving still more credits to the dispensary system.

On the other hand, opposition to the system arose from several angles. As a means of raising state revenue, the system allowed too much government control for some critics.<sup>29</sup> Whiskey dealers having lost their business altogether in those areas under restriction fought

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<sup>24</sup>A. J. McKelway, "The Dispensary in North Carolina," Outlook, LXI (April, 1899), 820, hereinafter cited as McKelway, "Dispensary."

<sup>25</sup>Press and Carolinian (Hickory), April 4, 1895.

<sup>26</sup>Josiah W. Bailey, "The Political Treatment of the Drink Evil," South Atlantic Quarterly, VI (April, 1907), 123, hereinafter cited as Bailey, "Political Treatment."

<sup>27</sup>McKelway, "Dispensary," 822.

<sup>28</sup>Public Laws of North Carolina, 1899, vol. I, c. 11, s. 34, hereinafter cited as Public Laws, with appropriate date.

<sup>29</sup>Harry Legare Watson, "The Dispensary System," University of North Carolina Magazine, XVI (March, 1899), 225-226.

the system through the courts to no avail. And since, "the dispensary did not materially decrease the amount of public or private drinking,"<sup>30</sup> prohibitionists thought the whole plan lacked merit. One writer summed up the situation in 1907, observing that the prohibitionists considered the dispensary as a failure as a temperance movement and liquor dealers regarded it as their worst enemy.<sup>31</sup> Where the dispensary was not being supported by the citizens, an alternative, more individualized plan was often substituted.

Known as the local option scheme, this plan had been in existence longer than the dispensary system. The first local option law was passed in 1874 "prohibiting the sale of spiritous liquors in townships where the people so determined."<sup>32</sup> The peak of success for local option in North Carolina covered the first five or six years of the twentieth century. By January, 1908, 68 out of 98 counties had no saloons. Cities such as Asheville, Statesville, Charlotte, Durham, Greensboro, Raleigh, Goldsboro, New Bern, Kinston and Elizabeth City followed suit.<sup>33</sup> Some leaders in the Democratic party sensing the popularity of the movement joined with the prohibitionists in order to profit from the burgeoning dry support.<sup>34</sup>

Local option elections seemed very democratic requiring a vote of

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<sup>30</sup>Whitener, Prohibition in North Carolina, 127.

<sup>31</sup>Bailey, "Political Treatment," 122-123.

<sup>32</sup>Public Laws, 1894, c. 138, s. 1.

<sup>33</sup>Cherrington, Anti-Saloon League Yearbook, 1925, 125.

<sup>34</sup>Whitener, "Temperance Movement," 311.



the people on prohibition. Each election had to be called for by 25% of the voting populace. If people wanted prohibition in their area, they could have a chance to say so. This popular movement was not without drawbacks, however. Church congregations often split over the issue and a business could be hurt depending on the stand taken by its proprietor. The laws, when passed were in force for only a year or two when another vote would be scheduled, disrupting the whole community again.<sup>35</sup> The prohibition issue required a conscientious, educated and social minded voter who was willing to accept the responsibility for the outcome of the election. If prohibition was voted in, methods of enforcement were needed and if saloons and distilleries were allowed, their products and their effects had to be dealt with on the community level, for public drunkenness had long been recognized as more than a personal problem.

One aspect of the local option plan prohibited the sale of liquor near schools and churches. From 1883 to 1891, state laws were passed to prohibit the sale of liquor near 796 churches and 166 schools. The growth of these territories culminated in the passage of the Watts Bill in 1903.<sup>36</sup>

Representative Alston D. Watts of Iredell County saw that a federal Republican administration was employing Republican federal revenue agents in North Carolina. In an effort to put these workers out of business and to comply with recent clamoring from State Democratic leaders such as Governor Charles B. Aycock and Senator Furnifold M.

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<sup>35</sup>Whitener, Prohibition in North Carolina, 87.

<sup>36</sup>Whitener, Prohibition in North Carolina, 100.

Simmons calling for state prohibition outside of incorporated towns, a new prohibition movement got underway. Josephus Daniels, editor of The News and Observer, later explained, "Watt's idea was that if you could separate these men [Republicans] from a Federal salary, they would lose interest in politics and the Democrats would carry these counties much more easily."<sup>37</sup> These factors provided the Democratic party with a grandstand play in the 1903 General Assembly.

Senator Henry A. London of Chatham County introduced into the Senate a bill stronger than Watt's bill because it specified the size of towns to be under jurisdiction of the law and called for a petition of 1/3 the population of a town of any size as necessary to call for an election dealing with the liquor question.<sup>38</sup> The more ardent prohibitionists, including ministers, W. C. T. U. members and rural newspaper editors supported the London Bill,<sup>39</sup> while urban newspapers, such as the Raleigh News and Observer, and high-ranking Democrats - Aycock and Simmons - supported the Watts Bill.<sup>40</sup> The liquor dealers were furiously fighting both bills, but the high-ranking Democrats won out. The Watts Bill was passed in the House by a vote of 59 to 40 and in the Senate 27 to 15.<sup>41</sup> Prohibition was well on its way to being a state-wide effort to resist the liquor trade. Some rural stills were saved by having their

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<sup>37</sup>Josephus Daniels, Editor in Politics (Chapel Hill: University of North Carolina Press, 1941), 404, hereinafter cited as Daniels, Editor in Politics.

<sup>38</sup>Unpublished manuscript in the Legislative Papers, 1903, in the North Carolina Division of Archives and History, Raleigh.

<sup>39</sup>Whitener, Prohibition in North Carolina, 136-137.

<sup>40</sup>Daniels, Editor in Politics, 404.

<sup>41</sup>Senate Journal, 1903, 566, also House Journal, 1903, 661-662.

surrounding area incorporated into a town.<sup>42</sup>

To squeeze out these more or less "fake" towns, the Ward Bill passed the 1905 General Assembly. It prohibited the manufacture of liquors in towns of less than one thousand inhabitants.<sup>43</sup> The Watts Bill reduced retail dealers in North Carolina from 1185 to 817, grain distilleries from 428 to 283, only to have this number decreased to 66 with the passage of the Ward Bill.<sup>44</sup> North Carolina was virtually a dry state when the big thrust for state prohibition got under way in 1907.

The drive for state prohibition was chiefly the work of the Anti-Saloon League. The League was founded at a meeting at the Olivia Raney Library in Raleigh in 1902. Representatives were present from the Baptist State Convention, the North Carolina Conference of the Methodist Church, the Synod of the Presbyterian Church, the Conference of the Christian Church and Yearly Meeting of the Friends. Outstanding citizens from across the state who were instrumental in the creation of this organization included: Reverend Andrew J. McKelway of Charlotte, editor of the Presbyterian Standard; Reverend W. G. Johnson of Washington, staff editor of the Watchtower; and Reverend Dr. Thomas N. Ivey, editor of the Raleigh Christian Advocate. The leadership of this meeting and its future campaign was provided by John A. Oates, an outstanding Baptist leader for prohibition, Reverend Robert L. Davis, a Presbyterian minister, and state senator Needham B. Broughton.<sup>45</sup> Headquarters for the

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<sup>42</sup>Whitener, Prohibition in North Carolina, 146.

<sup>43</sup>Public Laws, 1905, vol. I, c. 339, s. 1.

<sup>44</sup>Whitener, Prohibition in North Carolina, 151.

<sup>45</sup>Cherrington, Anti-Saloon League Yearbook, 1925, 124-125.

organization were established in Raleigh. Its chief objectives were to abolish the saloon, create righteous sentiment against intemperance and work for proper enforcement of existing prohibition laws. The members intended to conduct a campaign of education against the saloon.<sup>46</sup> It was basically a propaganda effort from beginning to end.

In 1907, Reverend Davis was hired full-time by the League as their Field Superintendent. The impetus for a state-wide prohibition law began in the spring of that year. A local attorney, Heriot Clarkson, worked so diligently in forcing Charlotte dry that League members voted him President. Oates, who had had the biggest hand in organizing the League became Chairman of the Executive Committee. These three launched into the necessary letter-writing and speech-making efforts necessary to convince the majority of the people of North Carolina to vote for prohibition. Two additional persons associated with the dry movement were Josephus Daniels and Robert B. Glenn.<sup>47</sup>

In January, 1908, when Governor Glenn called a special session of the Legislature for the purpose of adjusting railroad passenger rates, Clarkson and Oates concurred that the time was right for the presentation of the liquor issue to the lawmakers. Meeting in executive session in the Senate Chamber, January 16, 1908, the Anti-Saloon League voted unanimously to call for state-wide prohibition. Governor Glenn was

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<sup>46</sup>Whitener, Prohibition in North Carolina, 133-134.

<sup>47</sup>Heriot Clarkson, "Sketch of the History of the Temperance and Anti-Saloon Forces in North Carolina," unpublished manuscript in the Heriot Clarkson Papers, North Carolina Division of Archives and History, Raleigh, hereinafter cited as Clarkson, "History of Temperance and Anti-Saloon Forces."

notified of the vote whereupon he recalled his speech for the opening session from the printer and added a proclamation of his support for a prohibition law.<sup>48</sup>

A huge prohibition rally met in Raleigh on January 21 to show the public's support of the issue. On the night of January 28, a Democratic caucus of the House and Senate, acting separately, decided to pass the state prohibition law and submit it to the vote of the people of the state.<sup>49</sup> The votes were to be cast May 26 and if the law passed on that day, it would go into effect January 1, 1909. Meanwhile, "North Carolina was stirred as never before on the prohibition question."<sup>50</sup> The supporters grew as Dr. James Yadkin Joyner, Superintendent of Public Schools, Clarence Poe of the Progressive Farmer and Bishop Robert Strange of the Protestant Episcopal Church spoke for prohibition. Ministers of all faiths, the fraternal orders, a large number of the women of the state and a large percentage of farmers gave support to the movement.<sup>51</sup> When the votes were counted, those who supported the prohibition law had cast 113,612 yeas, those opposed, 69,416 neas. The majority was ahead by 44,196 votes. The counties showing the largest number of favorable votes were Buncombe, Guilford, Mecklenberg, Forsyth, Rowan and Wake.<sup>52</sup> North Carolina thus became

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<sup>48</sup>Clarkson, "History of Temperance and Anti-Saloon Forces."

<sup>49</sup>Clarkson, "History of Temperance and Anti-Saloon Forces."

<sup>50</sup>Cherrington, Anti-Saloon League Yearbook, 1925, 126.

<sup>51</sup>Clarkson, "History of Temperance and Anti-Saloon Forces."

<sup>52</sup>R. D. W. Connor (comp. and ed.), A Manual of North Carolina . . . 1913 (Raleigh: North Carolina Historical Commission State Department of Archives and History, 1913), 1019-1020.

the first state to have a prohibition law voted on by the people.<sup>53</sup>

When Governor Glenn finished signing the prohibition proclamation on June 19 and the onlookers finished singing "Praise God From Whom All Blessings Flow," he said, "I consider this the crowning glory of my administration. Little is now left for me to do. . . ." He had traveled over 4000 miles and made over 50 speeches in assisting the prohibition movement.<sup>54</sup> The Governor was certainly a benefit to those who wanted prohibition, but most of the field work was done by members of the Anti-Saloon League. The League, however, operated within a set of lucky circumstances. The timing was good, the ill-fated election of 1881 was a generation past, the prohibition supporters were more ardent and out-spoken than ever with 85% of the state under local option laws, the dispensary experiments were proving unsatisfactory; the adoption of a suffrage amendment in 1900 had prohibited blacks and some illiterate whites from voting;<sup>55</sup> the economy of the times was good; and the "agrarian population was again voting the regular tickets of the two old political parties."<sup>56</sup> The mood of America also contributed to the acceptance of prohibition. Out of the turn-of-the-century campaign for women's rights and journalistic assaults on machine politics emerged leaders who fit comfortably into the moralistic fight against the

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<sup>53</sup>Colvin, Prohibition in the United States, 435.

<sup>54</sup>Clarkson, "History of Temperance and Anti-Saloon Forces."

<sup>55</sup>William Alexander Mabry, "'White Supremacy' and the North Carolina Suffrage Amendment," North Carolina Historical Review, XIII (January, 1936), 5.

<sup>56</sup>Whitener, Prohibition in North Carolina, 133-134.

consumption of alcohol.<sup>57</sup>

The Prohibition Law of 1908 proved something of a problem. It still allowed liquor to be sold by druggists through prescriptions or be brought into the state by mail, express or any other means. Thus, "the chief accomplishment of the law . . . was to require of the buyer more effort."<sup>58</sup> With all great victories, there are drawbacks. These drawbacks were mostly over-looked by the Anti-Saloon League which more or less dissolved after the great battle had been won in May.<sup>59</sup>

In a study written at Columbia University in 1912, Leonard S. Blakey wrote that "within a period of less than seven months four state legislatures in the South had passed state prohibition laws."<sup>60</sup> Georgia's law was passed on August 6, 1907, Alabama's on November 23 of that same year. North Carolina had the only law by a referendum and Mississippi passed a law on February 19, 1908. Blakey summarized the movement: "The Prohibitory movement in the South is a response to a fundamental social impulse; its origin was too early, its response too basic and unconscious for any other interpretation."<sup>61</sup> This was certainly true for North Carolina. Various prohibitory laws had been in existence

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<sup>57</sup>Richard Hofstadter, William Miller, and Daniel Aaron, The American Republic (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1959), 2: 374.

<sup>58</sup>Whitener, Prohibition in North Carolina, 171.

<sup>59</sup>Cherrington, Anti-Saloon League Yearbook, 1925, 126.

<sup>60</sup>Leonard Stott Blakey, The Sale of Liquor in the South: The History of the Development of a National Social Restraint in Southern Commonwealths (New York: Columbia University, 1912), preface, herein after cited as Blakey, The Sale of Liquor in the South.

<sup>61</sup>Blakey, The Sale of Liquor in the South, 33.

since 1715, they had evolved into the movement which supported state-wide prohibition in 1908. In each of the aforementioned states, complete prohibition was yet to be passed. Blakey wrote, ". . . the purpose of the legislation involving the prohibition of the manufacture and sale has not been to stop the use of intoxicating liquors. The liquor store and not the use of intoxicating liquor has been directly involved."<sup>62</sup>

Prohibition laws, such as they were, were hard to enforce. "Blind Tigers" and "Jug Trade" were both booming enterprises in North Carolina between 1910 and 1913. "Jug Trade" referred to the illegal transporting of liquor from "wet" states into "dry" ones. "Blind Tigers" were places where liquor was sold without a license.<sup>63</sup> "Blind Tigers" sold liquor in residences, cafes and drink stands. They created little "social clubs" for those who knew about them and participated in their activities.<sup>64</sup> By 1911, the League awoke to these conditions and began to press the General Assembly for legislation to put a halt to these activities. The result was the Anti-Beer Law of 1911. This law prohibited the sale of "Near-beer, beerine and similar drinks containing alcohol, cocaine, morphine or other opium derivatives."<sup>65</sup> The law also forbade clubs to maintain a "club room or other place where intoxicating liquors are received, kept, or stored for barter, sale, exchange, distribution or division among the members of any such club or association. . . ." <sup>66</sup>

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<sup>62</sup>Blakey, The Sale of Liquor in the South, 33.

<sup>63</sup>Clarkson, "History of Temperance and Anti-Saloon Forces."

<sup>64</sup>Cherrington, Anti-Saloon League Yearbook, 1925, 126-127.

<sup>65</sup>Public Laws, 1911, vol. III, c. 35.

<sup>66</sup>Public Laws, 1911, vol. III, c. 133.



The Legislature of 1913 seemed virtually in the hands of the prohibitionists for it passed one of the strictest prohibitory laws in the United States up until that time. Popularly known as the "Search and Seizure Law," its proposal came in conjunction with a federal law known as the Webb-Kenyon Law which allowed the states to exercise their police powers regarding the liquor traffic.<sup>67</sup> Within two days of the Webb-Kenyon Law passing in the United States' Congress, the "Search and Seizure Law" passed the North Carolina General Assembly. It made it unlawful for anyone to "engage in the business of selling, exchanging, bartering, giving away for the purpose of direct or indirect gain, or otherwise handling spiritous, vinous or malt liquors in the state of North Carolina. Any person, firm or corporation or association violating the provisions of this act shall be guilty of a misdemeanor."<sup>68</sup>

By 1915, another effort began in the General Assembly for an even stronger prohibition law. This one was in large part sponsored and supported by the druggist and medical associations within the state, of whom the majority resented that their reputation was being tarnished by a few.<sup>69</sup> The 1915 law reduced the amount of liquor to be transported into the state during any fifteen day period. Spiritous or vinous liquors or intoxicating bitters were limited to one quart and malt liquors were limited to five gallons.<sup>70</sup>

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<sup>67</sup>Whitener, Prohibition in North Carolina, 176-177.

<sup>68</sup>Public Laws, 1913, vol. III, c. 44, s. 1.

<sup>69</sup>Louis Graves, "Adventures in Prohibition," The World's Work, XLI (November, 1920), 68.

<sup>70</sup>Public Laws, 1915, vol. II, c. 97, s. 1.

The General Assembly of 1917 passed a bill making the manufacture of intoxicating liquors a felony to be punished with a minimum of twelve months in a state prison.<sup>71</sup> In 1918, this was amended to apply to the second offense. The Prohibition Movement was aided by the passage of the Jones Amendment in the U. S. Congress in 1917. This law forbade advertisements for liquor to pass through the mails.<sup>72</sup> The opposition to prohibition was dead in North Carolina; it had been conquered and choked to death through one law after another. The state was assumed to be bone dry on the eve of the passing of a national prohibition law in 1918. No opposition to that law would be heard from the "Old North State."

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<sup>71</sup>Public Laws, 1917, vol. II, c. 157, s. 1.

<sup>72</sup>Whitener, Prohibition in North Carolina, 181.

## CHAPTER II

### THE PASSAGE OF "AN ACT TO MAKE THE STATE LAW CONFORM TO THE NATIONAL LAW IN RELATION TO INTOXICATING LIQUORS" IN THE 1923 NORTH CAROLINA GENERAL ASSEMBLY

The 1923 North Carolina Legislature did not promise to be the raging battleground for prohibition that it had been in years past. A run-down of prospective topics for consideration by the lawmakers did not mention a prohibition law.<sup>1</sup> The legislators were more interested in reforming the judiciary, election laws, county government finance and a measure supported by Governor Cameron Morrison whereby the State would own the shipping lines. They were talking of forming a four year medical college, investigating the Ku Klux Klan and making the statutory work day eight hours in North Carolina. An influenza epidemic was sweeping the state, however, threatening to "decimate the ranks of the Assembly. . . ." <sup>2</sup> Governor Morrison's "Address to the General Assembly" included no remarks on the subject of prohibition.<sup>3</sup> Yet the necessity for another prohibition law was well underway, this time not from local but national pressure. With the passage of the Volstead Act in 1919 a distinct gap was created between the legalities allowed in it and the 1908 Prohibition Law of North Carolina as well as the laws passed since

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<sup>1</sup>Charlotte Observer, January 3, 1923.

<sup>2</sup>News and Observer (Raleigh), December 31, 1922, January 2, 1923, hereinafter cited as News and Observer.

<sup>3</sup>David Leroy Corbitt (ed.) Public Papers and Letters of Cameron Morrison, Governor of North Carolina, 1921-1925 (Raleigh: Edwards and Broughton Co., 1927), 36-53.

the original 1908 measure. The state observed what some forces called the "obselete quart law."<sup>4</sup> An editorial in the News and Observer explained the problem:

The fact that a North Carolina law says "You have the right to a quart every so many days" and the Federal law sends a man to prison for possessing the quart invites and encourages violation of the law. The way to win over the violation of the law is to make State laws harmonize with the Federal law.<sup>5</sup>

The Anti-Saloon League was agitating for just such a law. "An Act to make the state law conform to the national law in relation to intoxicating liquors" was introduced in the House of Representatives on January 19, 1923, the fourteenth day of the General Assembly. The house bill was numbered "205" and referred to the Committee on Judiciary Number Two.<sup>6</sup> Zebulon V. Turlington of Iredell County was the sponsor of the bill and worked closely with the Anti-Saloon League's Legislative Committee to steer the bill through and around the roadblocks it encountered in the next few weeks.

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<sup>4</sup>Charlotte Observer, January 9, 1923.

<sup>5</sup>News and Observer, January 31, 1923.

<sup>6</sup>Journal of the House of Representatives of North Carolina, 1923, 60, 23, hereinafter cited as House Journal, with appropriate date.

House Judiciary Committee Number Two was made up of: Thomas C. Bowie of Ashe County, David B. Johnson of Bladen County, R. Eugene Taylor of Buncombe County, M. Leslie Davis of Carteret County, J. Roan Davis of Cleveland County, Quincy K. Nimocks of Cumberland County, Reuben O. Everett of Durham County, Richard T. Fountain of Edgecombe County, Harley B. Gaston of Gaston County, Theodore M. Jenkins of Graham County, Thomas E. Whitaker of Guilford County, Charles R. Daniel of Halifax County, Lloyd J. Lawrence of Hertford County, Zebulon V. Turlington of Iredell County, Doc J. Thurston of Johnston County, J. Frank Ray of Macon County, Edgar W. Pharr of Mecklenburg County, Lewis J. Poisson of New Hanover County, Julius Brown of Pitt County, Edward H. Gibson of Scotland County, and Henry G. Connor, Jr. of Wilson County.

Judiciary Committee Number Two was scheduled for 3 o'clock, January 30, in the Hall of the House of Representatives announced Chairman Edgar Pharr of Mecklenburg County. Clarkson was the leader of the large body of people coming to Raleigh to show support for the bill and Dr. William L. Poteat as President of the Anti-Saloon League was scheduled to deliver a key address.<sup>10</sup>

Clarkson opened the meeting by stating the purposes of the Conformity Bill as he had written it. Firstly, some North Carolina prohibition laws carried stricter penalties than the Volstead Act; thus, these laws were to be maintained. Secondly, a state court simply could not ignore a federal law; thus, the federal law was being incorporated into the state law to provide easier enforcement of the two laws. Aside from convenience, the federal law was needed within the North Carolina legal framework because 1) it allowed a purchaser immunity for testifying against a seller, 2) it would be helpful in capturing vehicles used in transporting liquor across state lines and 3) federal officials would aid in stopping leaks in the over-all enforcement system.<sup>11</sup>

Clarkson's practical approach to the law was followed by passionate appeals for support from Dr. Poteat.

This class of legislation is no different from other legislation because all legislation is a limitation of personal freedom. . . . A minority that does not acquiesce in the expressed will of the majority is unpatriotic and undemocratic and will have to bear the odium of lawlessness. Unfortunately for those who oppose the enforcement of the law, we live under a majority rule. If they do not want to obey the law, let them take passage on the next steamer for abroad. Society is

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<sup>10</sup>News and Observer, January 28, 1923.

<sup>11</sup>News and Observer, January 31, 1923.

based on the assumption that it is supreme and uncontrolled individualism is anarchy pure and simple.<sup>12</sup>

Newspaper headlines of Dr. Poteat's address pointed out that he disagreed with Dr. Nicholas Murry Butler, the President of Columbia University who had stated that prohibition could not be enforced effectively.<sup>13</sup> Dr. Poteat closed his address with a reminder that North Carolina had moved ahead of the national government by ten years in passing a prohibition law. He felt the citizens of this state should not settle for a standard less than that of the nation.<sup>14</sup>

Mrs. Thomas W. Bickett, widow of the former governor, was the next speaker for the afternoon session. She spoke as the field representative of the maternity bureau of the State Board of Health pleading the cause of mothers and children throughout the state. Other citizens who gave their vocal support of the bill before the legislators included: J. A. Hartness of Statesville; Charles S. Wallace of Morehead City; James F. Barrett, a labor leader from Charlotte; and Mrs. Charles G. Doak of Raleigh, Chairman of the Legislative Committee of the W. C. T. U. Dr. Mary Martin Sloop of Avery County impressed the group by describing "Bootleggers she had seen carrying a quart of whiskey around in Avery County in utter defiance of the law, because there were no Federal agents to arrest them and because they could not be punished under state laws."<sup>15</sup>

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<sup>12</sup>News and Observer, January 31, 1923.

<sup>13</sup>News and Observer, February 4, 1923.

<sup>14</sup>News and Observer, January 31, 1923.

<sup>15</sup>News and Observer, January 31, 1923.

Other spokesmen representing various groups were: Mrs. N. Buckner of Asheville, President of North Carolina Baraca-Philathea Association; Reverend Milton A. Barber, rector of Christ Church, Raleigh and Reverend W. T. Shaw of Weldon, presiding elder of the Methodist Episcopal Church, South.<sup>16</sup>

Josephus Daniels, editor of the News and Observer, and the former Secretary of the Navy who disallowed liquor on board Navy ships, closed the public session of the meeting giving voice to his celebrated defense of prohibition. Daniels traced prohibition through three stages; county or local option, state-wide prohibition and national prohibition. He stated that "obedience is now the supreme test! . . . The present system is unfair to North Carolinians in that the state says to its citizens: 'You may do these things with immunity if you are not caught by Federal agents.'"<sup>17</sup> He admitted that enforcement of prohibition was difficult enough without inconsistency in the laws. He emphatically stated that unity of particulars was as necessary as unity of purpose in a cause such as prohibition.<sup>18</sup>

Sitting patiently through this session was the House Judiciary Committee Number Two. These twenty-two men listened for over two hours as the speeches favoring the Conformity Act were delivered. In a meeting following the public session they decided that the bill as written was confusing and poorly written. Henry G. Connor of Wilson County was the

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<sup>16</sup>News and Observer, January 31, 1923.

<sup>17</sup>News and Observer, January 31, 1923.

<sup>18</sup>News and Observer, January 31, 1923.

only member of the committee to state total objection of passage of the bill as it was read. He wanted both state and Federal laws written into one law. Richard T. Fountain of Edgecombe County said he would vote for the bill, but he admitted he was confused by efforts to refer from one law to the other.<sup>19</sup> J. Frank Ray of Macon County wanted Section 35 of the Volstead referring to penalties under internal revenue laws included in the North Carolina law.<sup>20</sup> Clarkson was allowed to comment that he did not think that section of the federal law applied to North Carolina. Reuben O. Everett of Durham County withdrew his motion to report the bill favorably which until the last few minutes of the meeting was acceptable. Marion L. Davis of Carteret County called for the appointment of a subcommittee to reevaluate the situation. The motion was carried unanimously.<sup>21</sup>

The subcommittee was established immediately. Members appointed by Chairman Edgar W. Pharr of Mecklenburg County included: Turlington, sponsor of the bill; Fountain, Edward H. Gibson of Scotland County, C. E. Hamilton of Forsyth County and Q. K. Nimocks of Cumberland County, all supporters of the bill. They met immediately after the adjournment of the regular session and asked Clarkson as Chairman of the Legislative Committee and author of the bill to redraft it in such a way as to codify all prohibition laws into one. It was to be ready by Tuesday,

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<sup>19</sup>Charlotte Observer, January 31, 1923, also News and Observer, January 31, 1923.

<sup>20</sup>See Appendix C.

<sup>21</sup>News and Observer, January 31, 1923.



February 6.<sup>22</sup>

The House Judiciary Committee Number Two met in full on the sixth while snow fell over the Capital city. They could reach no acceptable conclusions regarding the Conformity Act. It was thus sent back to the subcommittee.<sup>23</sup> Turlington's Conformity Act was pulled together and a committee substitution was finally reported out of committee on February 9. It went before the full House on Thursday, February 15 at 11:30 o'clock.<sup>24</sup> While Turlington was giving his opening address, Representative Samuel J. Ervin, Jr. of Burke County moved to table the whole bill. On a roll call vote he was defeated 107 to 3.<sup>25</sup> The ensuing arguments over the final draft of the Turlington Act lasted three hours.

The first two hours were spent in debate concerning the "search and seizure" provisions in Section 6 of the proposed bill. Thomas C. Bowie of Ashe County took issue with the word "discover" concerning the right of an officer to seize a vehicle. Bowie insisted that he wanted the law to state definitely that officers have to have a warrant before they can stop anybody unless the officer sees the violation.<sup>26</sup> He stated that in his opinion the wording of the bill in its present state would encourage officers to stop any vehicle that the officer believed to be transporting liquor. He proposed an amendment that required a search

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<sup>22</sup>News and Observer, January 31, 1923.

<sup>23</sup>News and Observer, February 7, 1923.

<sup>24</sup>News and Observer, February 12 and 15, 1923.

<sup>25</sup>News and Observer, February 16, 1923.

<sup>26</sup>News and Observer, February 16, 1923.

warrant which he thought was every citizen's privilege under the Constitution.<sup>27</sup>

Gibson of Scotland County spoke in defense of the original bill stating the language indicated that an officer must know or discover a reason for stopping a vehicle and such a specific statement was not needed. "The debate then centered upon how an officer could 'discover' a car or vehicle was in act of violating the law while running at a rate of 25 or 30 miles per hour. . . ." <sup>28</sup> Though the sentiment of the House seemed to favor Bowie's amendment, debate became impossible because questions were being fired at about one hundred per minute from all corners of the House. Eventually Bowie, Turlington and a few other supporters of the bill left the House floor for a private discussion. They returned shortly to declare the amendment acceptable to both sides.<sup>29</sup> HB 205 was thus changed by adding to the end of Section 6: "Provided that nothing in this section shall be construed to authorize any officer to search any person without a search warrant duly issued except where the officer sees or has absolute personal knowledge that there is intoxicating liquor in such vehicle or baggage."<sup>30</sup>

Upon the withdrawal of Bowie and Turlington to private chambers,

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<sup>27</sup>Charlotte Observer, February 16, 1923.

<sup>28</sup>Charlotte Observer, February 16, 1923.

<sup>29</sup>News and Observer, February 16, 1923.

<sup>30</sup>House Engrossed Bills, Legislative Papers, 1923, 23-1483, North Carolina Division of Archives and History, Raleigh, hereinafter cited as House Engrossed Bills with appropriate date and number.

several other proposed amendments issued forth. Oscar B. Coward of Jackson County proposed an amendment specifically stating that no person convicted in a Federal court should be tried for the same offense in a state court. It passed without much discussion.<sup>31</sup> The end of Section 27 was changed from ". . . upon conviction shall be fined or imprisoned or both, in the discretion of the court,"<sup>32</sup> to "Provided, that no person shall be punished who has been previously punished for the same offense by a Federal Court."<sup>33</sup>

John Henry Dillard of Cherokee County sent forward an amendment providing that a man's property, specifically, a vehicle would not be seized and sold unless there was proof that the owner knew it was being used illegally. The facts of each case were to be determined by a judge and/or jury.<sup>34</sup> Section 6 was rapidly amended by "striking out the words 'good cause to the contrary is shown by the owner' in line nineteen and insert in lieu thereof the words 'the claimant can show that the property seized is his property and that the same was used in transporting liquor without his knowledge and consent with the right on the part of the claimant to have a jury pass upon his claim.'"<sup>35</sup>

The fourth and final amendment to the Turlington Act was proposed

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<sup>31</sup>Charlotte Observer, February 16, 1923, also News and Observer, February 16, 1923.

<sup>32</sup>House Engrossed Bills, 1923, 23-1483.

<sup>33</sup>House Engrossed Bills, 1923, 23-1483.

<sup>34</sup>Charlotte Observer, February 16, 1923, also News and Observer, February 16, 1923.

<sup>35</sup>House Engrossed Bills, 1923, 23-1483.

by Julius Brown of Pitt County. He requested a change in the reward to sheriffs capturing stills from \$25.00 to \$20.00.<sup>36</sup> Section 24 was thus amended by "striking out the word 'Twenty-five' . . . and inserting in lieu thereof the word 'Twenty.'" An addition to this section read:  
 :Provided further, That when the sheriff of a county captures a distillery he shall receive the fee for his own use regardless of whether he be on fees or on salary."<sup>37</sup>

Three other amendments were proposed and defeated. Alexander H. Graham of Orange County started a second argument by proposing to allow the manufacture of wine if the materials were raised on the private property and to be consumed by the maker and his household. This amendment was defeated on a roll call vote 63 to 47.<sup>38</sup> Van Buren Martin of

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<sup>36</sup>Charlotte Observer, February 16, 1923, also News and Observer, February 16, 1923.

<sup>37</sup>House Engrossed Bills, 1923, 23-1483.

<sup>38</sup>News and Observer, February 16, 1923, also House Journal, 1923, 263.

"Those voting in the affirmative are: Mr. Speaker John G. Dawson, Messrs. Bennett of Anson, Bowie, Braswell, Broughton, Brown, Bryant, Buck, Bumgardner, Cohoon of Tyrell, Cowles, Dunton, Ervin, Ferrell, Gaston, Graham, Grant, Gwaltney, Hooks, Johnson, Lawrence, Lewis, Loven, McKinnon, Martin, Milliken, Moore, Moser, Murphy, Neal, Nettles, Parker of Halifax, Person, Peterson, Poisson, Pruden, Rankin, Rideoutte, Sanders, Sellers, Taylor of Buncombe, Taylor of Vance, Townsend of Davidson, Townsend of Harnett, Vaughan, Warren of Beaufort, Warren of Brunswick, Williams.

"Those voting in the negative are: Messrs. Bennett of Richmond, Bray, Burgwyn, Byrd, Carr, Chamblee, Cohoon of Pasquotank, Connor, Cooper, Cowand, Cox, Davis of Carteret, Cobb, Davis of Cleveland, Davis of Hyde, Deaton, Dehart, Dillard, Doub, Duckworth, Everett, Fountain, Gibson, Gosney, Grist, Gwyn, Hamilton, Hauser, Hendricks, Hill, Hooker, Jackson, King, McFarland, McIver, Matthews, Morgan, Nelson, Nimocks, Norris, Nowell, Owen, Pass, Parker of Alamance, Patterson, Pharr, Quickel, Reynolds, Robbins, Rogers, Ross, Sherrill, Simpson, Smith, Snipes, Sutton, Taylor of Caswell, Thurston, Turlington, Wade, Walker, Watkins of Brunswick, Watkins of Granville, Whitaker of Guilford, Whitaker of Jones, Wright."

Washington County proposed to allow the sale of liquor through drug stores on a physician's prescription for illness. This amendment was also defeated on a roll call vote 73 to 41.<sup>39</sup> A newspaper account of the day's proceedings records the following account regarding Martin's proposal: "Although the hour was nearing 11 o'clock oratory flowed its interrupted course with eloquent picturings of the poor man who could get no liquor, even for snake bites, while the wealthy could get them to hospitals and have liquor in profusion."<sup>40</sup> The prohibition of liquor sales in drug stores is often cited as the key factor making North Carolina's Turlington Act more stringent than the Volstead Act.

George W. Hooks of Columbus County proposed an amendment to allow the owner of a vehicle which had been seized without the owner's knowledge to enter a claim for the property that had been seized without giving a bond. This amendment was defeated without a recorded vote.

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<sup>39</sup>News and Observer, February 16, 1923, also House Journal, 1923, 263.

"Those voting in the affirmative are: Mr. Speaker, Messrs. Bennett of Anson, Bennett of Richmond, Bowie, Braswell, Brown, Bryant, Bumgardner, Cohoon of Tyrell, Connor, Coward, Cowles, Cox, Ervin, Fountain, Gaston, Gosney, Graham, Grant, Hooks, Loven, McIver, McKinnon, Martin, Milliken, Moore, Moser, Murphy, Neal, Nowell, Peterson, Pruden, Rankin, Rideoutte, Sellers, Taylor of Vance, Townsend of Davidson, Vaughan, Warren of Person, Watkins of Brunswick, Williams.

"Those voting in the negative are: Messrs. Bray, Broughton, Burgwyn, Buck, Byrd, Carr, Chamblee, Cobb, Cohoon of Pasquotank, Cooper, Daniel, Davis of Carteret, Davis of Cleveland, Davis of Hyde, Deaton, Dehart, Dillard, Doub, Duckworth, Dunton, Everett, Ferrell, Gibson, Grist, Gwaltney, Gwyn, Hamilton, Hauser, Hendricks, Hill, Hooker, Jackson, King, Lawrence, Lewis, McFarland, Matthews, Morgan, Nelson, Nettles, Nimocks, Norris, Owen, Pass, Parker of Alamance, Parker of Halifax, Patterson, Sherill, Simpson, Smith, Snipes, Sutton, Taylor of Buncombe, Taylor of Caswell, Thurston, Townsend of Harnett, Turlington, Wade, Walker, Warren of Beaufort, Watkins of Granville, Whitaker of Guilford, Whitaker of Jones, Wright."

<sup>40</sup>News and Observer, February 16, 1923.

Two other proposed amendments were withdrawn and carried no debate.<sup>41</sup>

Just past 11 o'clock, February 15, 1923, the bill passed its second and third readings. Carrying the four House amendments, HB 205 was engrossed without a roll call vote and sent to the Senate.<sup>42</sup> The Senate received the bill on February 19. There it was labeled Senate Bill 631 and referred to the Senate Committee on Propositions and Grievances.<sup>43</sup> Senator Samuel C. Lattimore of the 27th District speaking for the Committee favorably reported SB 631 and HB 205 out of committee on February 21, the 42nd day of the General Assembly. The following day Senator Junius Brown of the 17th District moved that a special order be set for SB 631 and HB 205 which was done for 12 o'clock on February 23. At the appointed hour it passed its second reading and was set for another special order the following day, February 24.<sup>44</sup> At the appointed hour, the bill passed its third reading and was ordered enrolled with

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<sup>41</sup>Charlotte Observer, February 16, 1923.

<sup>42</sup>Charlotte Observer, February 16, 1923, also News and Observer, February 16, 1923.

<sup>43</sup>Journal of the Senate of North Carolina, 1923, 228, 11, hereinafter cited as Senate Journal with the appropriate date.

The Senate Committee on Propositions and Grievances was made up of: William E. Harrison, Chairman, of Richmond County, Patrick H. Williams of Pasquotank County, Paul H. Johnson of Beaufort County, Paul Jones of Edgecombe County, Luther P. Tapp of Lenior County, J. S. Hargett of Jones County, Howard F. Jones of Warren County, Archibald A. Hicks of Granville County, Otis E. Mendenhall of Guilford County, Andrew F. Sams of Forsyth County, Rufus L. Haymore of Surry County, Buren Journey of Iredell County, Denison F. Giles of McDowell County, and Samuel C. Lattimore of Cleveland County.

<sup>44</sup>Senate Journal, 1923, 266, 272, 319.

several Senators explaining their vote.<sup>45</sup> Senator Mark Squires of the 28th District then moved that the vote on the third reading be reconsidered.<sup>46</sup> The motion was tabled and the bill was halted in mid-air until March 1 when it was enrolled in both Houses of the General Assembly and sent to the Secretary of State for his official recognition.<sup>47</sup> A last-minute attempt by Senator Simon J. Everett of the 5th District to amend the bill failed to gain House approval.<sup>48</sup> With the Turlington Act on the North Carolina law books, prohibition appeared to be permanently established in this state. When national views on the issue reversed in the following decade, the problem would once again erupt as a political issue.

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<sup>45</sup>Wilmington Star News, February 28, 1923, also Senate Journal, 1923, 391.

"Those voting in the affirmative are: Senators Armfield, Baggett, Belamy, Bennett, Boyette, Brown of Columbus, Brown of Rockingham, Castelloe, Costen, DeLaney, Ebbs, Everett, Giles, Grady, Graham, Griffen, Hargett, Harris of Franklin, Harris of Wake, Harrison, Haymore, Heath, Hicks, Hodges, Johnson of Beaufort, Johnson of Duplin, Jones of Alleghaney, Jones of Edgecombe, Jones of Warren, Journey, Lattimore, Long, McDonald, Mendenhall, Moss Parker, Ray, Ruark, Sims, Squires, Varser, Walker, White, Williams, Wilson, Woltz, Woodson.

"Those voting in the negative are: Senators Stubbs, Tapp.

"The following Senators were allowed to explain their votes: Senators Armfield, Baggett, Haymore, Squires and Stubbs."

<sup>46</sup>Senate Journal, 1923, 391.

<sup>47</sup>House Journal, 1923, 645, also Senate Journal, 1923, 444.

<sup>48</sup>House Journal, 1923, 761, also Senate Journal, 1923, 581.

CHAPTER III  
THE AFTERMATH OF THE TURLINGTON ACT,  
INCLUDING REPEAL OF PROHIBITION

Passage of the Turlington Act in 1923, yet another of the many prohibition laws placed on the North Carolina law books, did not conclude the story regarding state efforts to halt the consumption of alcoholic beverages. Enforcement of the Turlington Act proved even more difficult than the previous national and state laws. Efficiency and centralization of enforcement were practically nonexistent regarding the Turlington Act. In fact, Daniel Whitener has shown that the state had no single agency for enforcing prohibition. The three groups that shared responsibility for enforcement of prohibition were county/state governments, the federal government and the Anti-Saloon League.<sup>1</sup>

State enforcement came from county sheriffs who were usually elected by popular vote. Their duties consisted of maintaining peace and order, serving court processes, administering county jails and collecting taxes. These sheriffs were not trained nor did they have time, experience or power to seek out illegal liquor violations. The Federal government involved itself in enforcement because it had money, power, as well as support from local Democrats who wanted somebody, other than themselves, to blame if enforcement were not successful.<sup>2</sup> The Anti-

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<sup>1</sup>Daniel Jay Whitener, Prohibition in North Carolina 1715-1947 (Chapel Hill: University of North Carolina Press Volume 27 of the James Sprunt Studies in History and Political Science), 1945, 184, hereinafter cited as Whitener, Prohibition in North Carolina.

<sup>2</sup>Congress placed the responsibility for the enforcement of the Volstead Act in the Bureau of Internal Revenue, a subdivision of the Treasury Department.



Saloon League, as the organization that had masterminded the successful prohibition movement in North Carolina, was of necessity forced to make a show of aiding enforcement officials. Its efforts at law enforcement were little known to the general public because publicity centered upon the League's crusade for new, more strict laws. Although the League was supposedly non-political, its respect and sympathy for the Democratic party within the state was widely recognized.<sup>3</sup>

Discrepancies between the "image" of prohibition enforcement and the officials can be seen in comments such as the following made as early as 1921 by Mayor Theophilus B. Eldridge of Raleigh: "Drinking has not become a forgotten practice, but drunkenness is rare and indulgence in alcoholic stimulants is never seen in public. Enforcement of the Prohibition laws compares favorably with other police activities, but it is difficult on account of the extreme secrecy of violations."<sup>4</sup> A year later, 1922, Robert L. Davis, President of the North Carolina Anti-Saloon League, reported to the International Convention of the World League Against Alcoholism that North Carolina had benefitted from thirteen years of prohibition by a growth in churches and church memberships, public expenditures, banks and bank deposits, and industries - cotton, knitting, furniture and agriculture. Davis implied that all of the above state growth and expansion in North Carolina was owing to prohibition. He concluded, "Prohibition in North Carolina by every test

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<sup>3</sup>Whitener, Prohibition in North Carolina, 184-186, 190.

<sup>4</sup>Ernest Hurst Cherrington, ed., Standard Encyclopedia of the Alcohol Problem, s.v. "North Carolina."

has proven to be a marvelous success."<sup>5</sup> And yet, in the same year, the Federal Prohibition Commissioner for North Carolina stated that the state ranked near the bottom when compared to all other states regarding prohibition enforcement.<sup>6</sup> A survey of newspapers demonstrate that, even as the Turlington Act went before the state legislators in 1923, efforts to enforce existing laws were encountering many problems.<sup>7</sup> "Unfortunately crime statistics in North Carolina, especially of prohibition violations, were unkept and little valued."<sup>8</sup> The courts were organized to deal with more traditional crimes or of a "permanent type, such as afrays, murders, and the larceny of property."<sup>9</sup> Not until 1927 did the State Supreme Court uphold the Turlington Act in State v. A. A. Hege,<sup>10</sup> thus extending the legal channel in the courts for prosecution of crimes involving alcoholic beverages.

The inability to decide what level of government would be the ultimate authority in enforcing prohibition brought the problems of enforcement under scrutiny and provided an element of strength to those

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<sup>5</sup>Robert L. Davis, "Thirteen Years of Prohibition in North Carolina and What It Has Wrought." Speech delivered to the International Convention of the World League Against Alcoholism in Toronto, Canada, November 28, 1922, Raleigh: Anti-Saloon League, n.p.

<sup>6</sup>Whitener, Prohibition in North Carolina, 191.

<sup>7</sup>News and Observer (Raleigh), January 28, 1923, February 6, 1923, February 7, 1923, and February 9, 1923, hereinafter cited as News and Observer.

<sup>8</sup>Whitener, Prohibition in North Carolina, 188.

<sup>9</sup>Whitener, Prohibition in North Carolina, 187.

<sup>10</sup>State v. A. A. Hege, 194 N.C. 526 (1927).

opposing prohibition. Whitener, however, made a strong case out of the premise that the 1928 presidential election was the undoing of the Anti-Saloon League in North Carolina and that was the banner around which antiprohibitionists first began to rally support. Alfred E. Smith, a famous "wet," assumed the role of Democratic presidential candidate in 1928 and his presence on the ticket fractured the companionable relationship between the North Carolina Anti-Saloon League and North Carolina Democrats. The state Anti-Saloon League was a local group, not a chapter of the national organization, although the two groups did work closely together after 1917. The state organization drew its chief support from the Democratic political forces within the state. Following the lead of several Democrats such as F. M. Simmons and Frank R. McNinch, Charles A. Upchurch who had replaced Davis as president of the League in 1925, placed the League in support of Herbert Hoover, the Republican presidential candidate, a known supporter of prohibition.<sup>11</sup>

Though the League tried to remain in the background and work through other agencies, the harm had been done when other ardent prohibitionists such as Josephus Daniels, Heriot Clarkson, Cameron Morrison and Clyde R. Hoey remained loyal to the national ticket of the Democrats. Smith was defeated for more than his stand on prohibition. Other reasons included: his Catholic faith, his opposition to the Ku Klux Klan, and his political affiliations with Tammany Hall--all factors which carried a great deal of weight with the predominantly white, male voting populace in North Carolina. The state, along with 39 others, voted for Hoover. But being

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<sup>11</sup>Whitener, Prohibition in North Carolina, 186, 193.

on the winning side did not give much solace to the League, which by this time was heavily in debt and without strong leadership owing to the lack of support for Upchurch by prominent state politicians who felt that he had betrayed their friendship in switching party loyalties.<sup>12</sup>

The method by which the Eighteenth Amendment to the U. S. Constitution was to be repealed did not follow normal guidelines for passage of an amendment. First, a time-limit was attached to the amendment; secondly, it was an amendment to repeal a previous amendment, a unique situation in itself; and thirdly, the amendment was to be ratified by state conventions in which delegates would be elected at large rather than by state legislations. These innovations were prompted by the urgent need of wet leaders in Congress and in the business world to get their position before the people of the United States in hopes that human desires would override morality.<sup>13</sup>

By the time the United States Congress submitted the Twenty-first Amendment to the states for ratification on February 20, 1933,<sup>14</sup> the North Carolina antiprohibitionist forces had been gaining strength. The General Assembly of 1933 observed a new fighting spirit emerge against prohibition and the Turlington Act. The dries were forced to reorganize efforts to maintain control of the populace when the vote for a State Repeal Convention was set for November 7, 1933. An early move in the

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<sup>12</sup>Whitener, Prohibition in North Carolina, 193-197.

<sup>13</sup>Ernest Brown Gordon, The Wrecking of the Eighteenth Amendment. (Francetown, New Hampshire: The Alcohol Information Press, 1943) 211-212, hereinafter cited as Gordon, Wrecking of the Eighteenth Amendment.

<sup>14</sup>Gordon, Wrecking of the Eighteenth Amendment, 293.

1933 General Assembly to repeal the Turlington Act by Representative Giles W. Cover of Cherokee County was defeated 65 to 33<sup>15</sup> and an act to permit the sale of whiskey by drugstores upon prescription was killed in committee.<sup>16</sup> But dry support was not what it once had been as exemplified by the election of Robert R. Reynolds, an advocate of repeal, to the United States Senate. The four-sided senatorial race of 1932 featured as main contestants Reynolds and former governor and incumbent Cameron Morrison, a staunch dry. The incumbent and his dry supporters knew that no wet candidate had been elected to high office in twenty-five years and thus they incorrectly assumed the citizens would follow their habit and re-elect Morrison. One observer went so far as to believe that the election of Senator Reynolds was "evidence that the State was ready to repudiate prohibition."<sup>17</sup>

The repeal movement in North Carolina held similar political overtones of earlier dry/wet confrontations. This political measure was sponsored by the National Democratic organization and supposedly the personal desire of President Franklin D. Roosevelt. Mrs. Frances Renfrow Doak, an outstanding dry leader in the 1933 election recounts:

Always, when the Dry Democrats had answered every argument of the Wets, repealists would advance that of loyalty to the

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<sup>15</sup>Journal of the House of Representatives of North Carolina, 1932, 404.

<sup>16</sup>News and Observer, March 3, 1923.

<sup>17</sup>Frances Renfrow Doak, "Why North Carolina Voted Dry." Speech delivered before a Convention of the United Dry Forces in Greensboro, North Carolina, January 16, 1934, Raleigh: United Dry Forces, 3, herein-after cited as Doak, "Why North Carolina Voted Dry." See also Whitener, Prohibition in North Carolina, 197-198.

National Democratic administration. That argument was offset by the party's thirty-year dry record in the State, and the State platform which favors prohibition. When it came to choosing between standing by the National platform and the State platform, it did not take a Dry Democrat long to decide which to do; and when it came to choosing between pleasing the President and voting his own lifetime conviction, again he did not hesitate to vote dry.<sup>18</sup>

Dry vote did come in 1933, however, it might not have except for a public relations campaign that would stagger those who are acquainted with the more modern techniques of "getting out the vote." Heriot Clarkson, the eyes, ears and mouth of prohibition in North Carolina for years, was by 1933 a North Carolina Supreme Court justice. Nevertheless, he was instrumental in organizing the machine that manufactured the votes against a Repeal Convention in 1933. He called several dozen leading dry citizens together at the Y.M.C.A. in Raleigh on May 25, 1933. He suggested that this group form the nucleus of a campaign to get out the dry vote in November. They adopted the name United Dry Forces and decided that they did not have money or time to recruit new converts; they must reach those persons who throughout the years had given support to prohibition in North Carolina. The eminent Dr. William L. Poteat was elected President of the United Dry Forces. Cale Burgess, a Raleigh lawyer, was named campaign chairman with Mrs. Doak as his assistant. With a four hundred dollar contribution from James Sprunt Hill as their only source of finance, the United Dry Forces began to solicit support from all corners of the state to form a central committee. When state headquarters could not reach enough people, the United Dry Forces established an organization in every county in the state. It was these

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<sup>18</sup>Doak, "Why North Carolina Voted Dry," 8.

county organizations which infiltrated the entire population of the state.<sup>19</sup>

The dry leaders told the newspapers they expected to win to keep up their courage. But they worked to the last minute, never sure of their predicted victory. When the final votes were counted, the overwhelming victory against a Repeal Convention was a surprise even to the prohibitionists.<sup>20</sup> Mrs. Doak stated that the reasons for victory were mainly Dr. Poteat's outstanding leadership, the characteristics of the "steady, mind-your-own-business dry citizen," and the seasoned leadership from past campaigns. She also pointed out that the United Dry Forces, while using the services of other prohibition groups such as the Anti-Saloon League and the W.C.T.U., did not dwell on their support in an effort not to bring up unpleasantness. Mrs. Doak mentioned particularly that Mr. George Burnett, Upchurch's successor as President of the League, saw the wisdom of this evasive tactic and did not cause any embarrassment.<sup>21</sup>

A visit to North Carolina by Postmaster General James A. Farley "was not appreciated by the citizens of North Carolina. His plea for party loyalty failed. . . . The citizens decided to make up their own minds."<sup>22</sup> The day that Farley spoke in Raleigh, the dry forces counter-

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<sup>19</sup>Unpublished minutes of the United Dry Forces, 1933, in the North Carolina Division of Archives and History, Raleigh, 1, 12, hereinafter cited as Minutes of the United Dry Forces. See also Doak, "Why North Carolina Voted Dry," 6-9.

<sup>20</sup>Inez Bolin Wall, "How North Carolina Went Dry," Christian Century, 50 (November 29, 1933), 1505, hereinafter cited as Wall, "How North Carolina Went Dry."

<sup>21</sup>Doak, "Why North Carolina Voted Dry," 7-8.

<sup>22</sup>Wall, "How North Carolina Went Dry," 1505.

attacked by publishing a large advertisement from former Senator and outstanding prohibitionist leader Furnifold M. Simmons.<sup>23</sup> The people were given a clear choice and they obviously cast their votes according to conscience rather than political party. One newspaper in the state blatantly reported that North Carolina's big victory for prohibition actually meant nothing for 36 states had already voted for repeal<sup>24</sup> and thus the national prohibition experiment became history December 5, 1933.<sup>25</sup> North Carolina remained a dry state but it was practically surrounded by wet territory. Virginia, which borders the state for 312 miles, and South Carolina along 324 miles,<sup>26</sup> voted for the national repeal amendment and established legal sale of whiskey in 1934.<sup>27</sup> The lack of a physical barrier and the crumbling emotional barriers forced North Carolina prohibitionists to consider other possible means of control of the sale and consumption of alcoholic beverages.

Basically there were two types of control. The Open State system provided the least control by allowing private enterprise to purchase and sell distilled spirits and operate their open package stores and bars. The Monopoly System allowed a state or a smaller component to operate all the liquor stores and control all sales of distilled spirits within the jurisdiction of the agency. As one might expect, North

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<sup>23</sup>News and Observer, November 4, 1933.

<sup>24</sup>Charlotte Observer, November 10, 1933.

<sup>25</sup>See Appendix E.

<sup>26</sup>Commission to Study the Control of Alcoholic Beverages In North Carolina. Report (Raleigh, 1936), 27, hereinafter cited as Commission to Study Control of Alcohol, Report.

<sup>27</sup>See Appendix E.



Carolínians opted for the monopoly system with more means of control over the evils of alcohol.<sup>28</sup> While the staunch prohibition cause was lessening, North Carolínians still seemed to feel moral obligations that made them initiate a system whereby the government would still be partly responsible for social behavior. This attitude was possibly a reflection of the direction New Deal politics was taking in the early 1930's. The General Assembly passed the "Pasquotank Liquor Control Act" which enabled Pasquotank and seventeen other counties<sup>29</sup> to hold special elections to determine whether a majority of the registered voters of those individual counties desired the legalized sale of liquor in county-operated stores.<sup>30</sup> Of the eighteen county elections, Rockingham County declined wetness.<sup>31</sup> Wilson County was the first to establish a beverage control store and sell whiskey legally in July, 1935.<sup>32</sup> Recent studies which depict eastern North Carolina as the "wettest" section of the state<sup>33</sup> have revealed at least a generalization in preference of the area as quick

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<sup>28</sup>North Carolina Alcoholic Beverage Control System, Public Protection Through Regulation 1900-1964 and 1964-1976. (n.p., 1964), 4-5, herein-after cited as Public Protection. See also Victor S. Bryant, Alcoholic Beverage Control System: Its History, the Present Law and Observations to Its Future Status (n.p., 1958), 2-4, hereinafter cited as Bryant, ABC System.

<sup>29</sup>The other counties were: Beaufort, Craven, Edgecombe, Franklin, Greene, Halifax, Lenoir, Martin, Nash, New Hanover, Onslow, Pitt, Rockingham, Vance, Warren, and Wilson.

<sup>30</sup>Public Laws of North Carolina, 1935, 877-887, hereinafter cited as Public Laws, with appropriate date. See also North Carolina State Board of Alcoholic Control, First Annual Report (Raleigh, 1938), 5.

<sup>31</sup>Commission to Study Control of Alcohol, Report, 11.

<sup>32</sup>Public Protection, 2.

<sup>33</sup>News and Observer, January 28, 1977.

glance at these seventeen counties indicate that eastern North Carolina was the first area of the state to grab the chance to go back to selling liquor legally.

CHAPTER IV  
THE TURLINGTON ACT CAUGHT BETWEEN  
STATE AND FEDERAL CONTROLS

Independent county liquor operations encountered sufficient problems to convince Governor John C. B. Ehringhaus to appoint a Commission to Study the Control of Alcoholic Beverages in North Carolina in July, 1936. Commission members included: Donnel Gilliam, Rowland Fowler Beasley, Thomas Wadley Raoul, John M. Robinson, Lycurus Rayner Varser, Charles A. Hines with Victor S. Bryant of Durham appointed as Chairman. The duties of this group were stated as follows:

1. To study laws regulating the control of alcoholic beverages in the United States and any political subdivisions.
2. To make a survey of conditions in North Carolina relative to the manufacture, sale and use of alcoholic beverages.
3. To submit a report to the Governor and members of the Legislature containing the findings of the Commission, together with any legislation which the Commission might deem advisable to recommend.<sup>1</sup>

The Commission published its report in time for the 1937 General Assembly to act upon their recommendations which included a proposed Bill to be entitled, "An Act to Provide for the Sale and Control of Alcoholic Beverages in North Carolina." Wherever possible the Commission deemed it advisable to leave the bulk of the authority to each county board and make these boards responsible for the conduct of each county system. They stipulated that "in any system there should be a measure of State

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<sup>1</sup>Commission to Study the Control of Alcoholic Beverages In North Carolina. Report (Raleigh, 1936), 3, hereinafter cited as Commission to Study Control of Alcohol, Report.

supervision. This should be carried to an extent which would either destroy county autonomy or which cause relaxation of the desire on the part of the counties to see control laws enforced. However, there are supervisory powers which can best be administered by the State."<sup>2</sup>

The Alcoholic Beverage Control Act of 1937 as passed by the North Carolina General Assembly amended the Turlington Act to allow counties to vote for or against alcoholic beverage control stores.<sup>3</sup> It created the State Board of Alcoholic Control with a full-time chairman and two associate members to be appointed by the governor. The A. B. C. Act of 1937 defines an alcoholic beverage as that which contains more than fourteen per centum of alcohol by volume.<sup>4</sup> Though still on the books and applicable in fifty seven counties, the Turlington Act as well as the long and arduous efforts of the prohibitionists were set aside by the passage of first the "Pasquotank Act" and secondly the "ABC Act." Prosecutors often find that interpretation of North Carolina's liquor laws are still somewhat confusing. The reason for this, in part, is the fact that the liquor laws which are currently in the law books were enacted by different legislatures at different times and with different

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<sup>2</sup>Commission to Study the Control of Alcohol, Report, 23.

<sup>3</sup>George L. Willis, "The North Carolina State Board of Alcoholic Control" (unpublished master's thesis, University of North Carolina, Chapel Hill, 1950) provides a thorough account of the formation of the ABC Act and the establishment of ABC stores in North Carolina.

<sup>4</sup>Public Laws of North Carolina, 1937, 84-97, hereinafter cited as Public Laws, with appropriate date. See also North Carolina Alcoholic Beverage Control System, Public Protection Through Regulation 1900-1964 and 1964-1976. (n.p., 1964), 1-2, hereinafter cited as Public Protection.

purposes in mind.<sup>5</sup>

The base for the current liquor laws goes back to the 1923 Conformity Act or Turlington Act, one of a series of many liquor laws to come out of the arguments between wets and drys. Its political implications and eventual creation of the Alcohol Beverage Control Board in several ways paralleled activities of other government agencies and the problems of organization they encountered. The North Carolina Prohibition Law of 1908 met many obstacles in bringing about total abstinence in the consumption of alcoholic beverages. The passage of the Eighteenth Amendment and the Volstead Act created a division in the over-all prohibition network within the state of North Carolina that eventually led to a weakening of enforcement and strengthening of anti-prohibition support that allowed the wets to emerge in control of national and state politics. The aftermath of the Turlington Act whereby the state assumed responsibility in supporting a federal law only to have the law removed by federal action correlates in some ways the situation created by the formation of the Federal Emergency Relief Administration.

The North Carolina State Board of Charities, created in 1869, became the State Board of Charities and Public Welfare in 1917; thus North Carolina was in a fairly good position when public welfare programs were created to meet the needs of citizens who were victims of the Great Depression. Relief in 1929 and 1930 was chiefly initiated by Governor O. Max Gardner through county and state organizations. These activities relied heavily on volunteers, and President Herbert Hoover remained

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<sup>5</sup>University of North Carolina, Institute of Government, The Liquor Law [Chapel Hill, University of North Carolina, 1952 (?)] 2.

committed to volunteerism in his efforts to provide aid to those who had been turned out of work. Through the Reconstruction Finance Corporation "the states did have full control of the money which was given them and were not required to have their relief programs conform to any uniform system."<sup>6</sup>

President Roosevelt's attempts to initiate federal aid for unemployed, hungry, needy citizens were much more dramatic than those implemented up to that time. The creation of the Federal Emergency Relief Administration was to provide temporary resources to keep people from starving to death. "In accord with the terms of the Federal Emergency Relief Act of 1933 the FERA made grants of money to the various states and left administration of these funds in the hands of state and local officials. As a result, each governor controlled the patronage made available to the FERA."<sup>7</sup> The threat of loss of control by the federal Democrats through patronage created a situation of maximum inefficiency.

The appointment by Governor J. C. B. Ehringhaus of Mrs. Annie Land O'Berry to head North Carolina's Emergency Relief Administration created much controversy in that Mrs. O'Berry followed her own dictates in putting together a professional staff lacking political affiliations.<sup>8</sup>

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<sup>6</sup>Thomas Sellers Morgan, Jr., "A Step Toward Altruism: Relief and Welfare in North Carolina 1930-1938," (unpublished doctoral dissertation, University of North Carolina, Chapel Hill, 1969), 118, hereinafter cited as Morgan, "A Step Toward Altruism."

<sup>7</sup>Ronald E. Marcello, "The Selection of North Carolina's WPA Chief, 1935: A Dispute Over Political Patronage," North Carolina Historical Review, 52 (Winter, 1975): 60, hereinafter cited as Marcello, "North Carolina's WPA Chief." See also Morgan, "A Step Toward Altruism," 118.

<sup>8</sup>Marcello, "North Carolina's WPA Chief," 61.

She was an ambitious administrator who sought to displace the traditional welfare programs with a more efficient system. Certain socially conscientious citizen groups within the old system became alarmed that the result might bring collapse to the entire welfare program.<sup>9</sup> The resultant lack of support shown Mrs. O'Berry in her efforts to supply relief to North Carolinians was comparable to the lack of support given prohibition enforcement officials in their attempts to organize an overall efficient prohibition law enforcement program. In both cases, leading politicians desired the end results--prohibition and relief, but they were willing to get involved only to the point that it would increase political support. Local and state political leaders would not assume the responsibilities necessary to institute reforms, thus many individuals fought for an impossible victory in both implementation of relief programs and enforcement of prohibition.

Another example of incohesiveness between state and federal controls is found in the creation of the Works Progress Administration. In effect, this agency was an extension of FERA. When selecting the state administrator for this project, Harry Hopkins, the federal administrator, became involved in an argument with North Carolina's politicians--Senator Josiah Bailey and Congressman Robert Lee Doughton of the Ninth Congressional District.

Wherever possible Hopkins tried to avoid having to obtain Senatorial confirmation by transferring workers from the Emergency Relief Administration or paying the WPA administrator less than \$5,000 per year. Hopkins was able to appoint Works Progress Administrators in fourteen states

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<sup>9</sup>Morgan, "A Step Toward Altruism," 74-75.

without Senate confirmation. North Carolina was not one of these states. Mrs. O'Berry was unacceptable to several powerful congressmen and outstanding local politicians. North Carolina's senior Senator, Josiah Bailey, while basically opposed to deficit spending and growing federal bureaucracy was a strong party man who supported many early New Deal programs. Another influential person in the selection of North Carolina's WPA administrator was Representative Robert Lee Doughton of the Ninth Congressional District. The longest serving North Carolina Congressman, Doughton was also loyal to the President and to the New Deal.

Doughton and Bailey both worked against the appointment of Mrs. O'Berry and selected their own candidates and alternates. Hopkins hesitated in appointing these hand-picked candidates because he questioned where their loyalty would be if state politicians were allowed to have so much influence. A compromise was finally settled upon in the person of George W. Coan, Jr., retired mayor of Winston-Salem. However, the capabilities of such an agency to meet the individual needs of North Carolinians were placed on the list of priorities below patronage and constituent votes.<sup>10</sup>

By these examples, it becomes obvious that federal programs to be administered on the state level by state officials in conjunction with federal authority might expect difficulty in fulfilling their objectives for the loyalties of these administrators are immediately divided. While seeking to serve the people of the state and carry out their wishes, the agency or the law originating with federal sources creates a discord.

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<sup>10</sup>Marcello, "North Carolina's WPA Chief," 64, 69-75.



One analysis of the problem revolves around ideas and expectations. In the cases of both prohibition and public welfare, North Carolina had operating programs. When those programs were first subjected to national attention and eventually incorporated into federal programs, the operation changes to the point that the original administrators cannot successfully carry on their systematic procedure, yet federalism has no other direction in which to turn except from whence the program came. The program which is somewhat a state breast-fed baby goes to Washington and is returned as a toddler, changed with growth yet still needing the original mother. Having not been a part of the weaning process leaves the mother with a gap on her ability to control the child. There have been too many influences for the mother to consider the child her very own and so the child continues to come under outside influences.

An argument can be made that the 1928 presidential election was not the beginning of the repeal efforts in North Carolina, but instead the interference of the federal government through the passage of the Eighteenth Amendment and the Volstead Act allowed the first crack in the fortress of the North Carolina prohibitionists. All the laws stacked neatly on top of each other from 1908 through 1917 created a formidable defense against legal consumption of alcohol. The acceptance of the basic theory of prohibition assumed by the federal government did not adequately allow the state to continue its own program and yet it did not assume the full responsibility for maintaining the situation it created. Herein lies the failure of prohibition in North Carolina. Attempts to mend the faults created by the Eighteenth Amendment and the Volstead Act by passage of a stricter law, the Turlington Act, could not

completely block out the influence of the federal law. North Carolina lawmakers could not completely close the gaps and thus the over-all effort loses face. Though the people of North Carolina never voted en masse against prohibition, the cause was lost long before the General Election of 1933. The peoples' victory in this election did not count for the cause of prohibition had been deserted on the national level. The intangible feelings which are emitted by a lost cause were what seeped through the crevices between the United States' Volstead Act and North Carolina's Turlington Act. These feelings would eventually allow the passage of the "Pasquotank Act" and the "ABC Act" in the North Carolina General Assembly. The Turlington Act remains for the die-hard prohibitionists but it loses ground as the years see more and more North Carolina counties vote wet.<sup>11</sup>

When considered in the broad sweep of the twentieth century, North Carolina's "Turlington Act" appears as a futile effort to cement the cracks that resulted once prohibition was incorporated into federal law. In itself, it was the culmination of efforts of leading North Carolina prohibitionists who campaigned for half a century to rid society of the evils of alcohol. The over-all story of the prohibition cause is without a happy ending. Regardless of how many laws or how strict the laws, society refuses, in some cases, to be legislated. Prohibition was just such a case.

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<sup>11</sup>See Appendix F.

APPENDIX A

Officers and Members of the  
Senate of North Carolina  
Session 1923<sup>1</sup>

W. B. Cooper, President-----Wilmington  
W. L. Long, President Pro Tempore-----Roanoke Rapids  
Frank D. Hackett, Principal Clerk-----North Wilkesboro  
Philip C. Cooke, Reading Clerk-----Asheville  
Joseph J. Mackay, Engrossing Clerk-----Raleigh  
W. D. Gaster, Sergeant-at-Arms-----Fayetteville  
J. A. Bryson, Asst.-Sergent-at-Arms-----Hendersonville

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<u>District</u>	<u>Name of Senator</u>	<u>Post Office</u>
1	T. W. Costen	Gatesville
1	P. H. Williams	Elizabeth City
2	Harry W. Stubbs	Williamston
2	P. H. Johnson	Pantego
3	A. T. Castelloe	Aulander
4	W. L. Long	Roanoke Rapids
4	Paul Jones	Tarboro
5	S. J. Everrett	Greenville
6	O. B. Moss	Spring Hope
6	C. P. Harris	Mapleville
7	L. P. Tapp	Kinston
7	J. S. Hargett	Trenton
8	H. B. Parker	Goldsboro
8	Paul D. Grady	Kenly
9	Rivers D. Johnson	Warsaw
9	Emmett Bellamy	Wilmington
10	J. A. Brown	Chadbourn
10	J. W. Ruark	Southport
11	L. R. Varser	Lumberton
12	D. A. McDonald	Carthage
12	J. R. Baggett	Lillington
13	Jas. L. Griffin	Pittsboro
13	Chas. U. Harris	Raleigh
14	Howard F. Jones	Warrenton
15	A. A. Hicks	Oxford
16	Robt. T. Wilson	Yanceyville
16	J. Clyde Ray	Hillsboro
17	O. E. Mendenhall	High Point
17	Junius C. Brown	Madison
18	W. E. Harrison	Rockingham
18	J. C. Bennett	Samarcand

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<sup>1</sup>Journal of the Senate of North Carolina, 1923.

<u>District</u>	<u>Name of Senator</u>	<u>Post Office</u>
19	W. C. Heath	Monroe
19	J. M. Boyette	Albemarle
20	J. L. Delaney	Charlotte
20	Frank Armfield	Concord
21	Walter H. Woodson	Salisbury
22	A. F. Sims	Winston-Salem
23	R. L. Haymore	Mount Airy
24	G. T. White	Hamptonville
25	Buren Journey	Statesville
25	Wm. A. Graham, Jr.	Iron Station
26	A. E. Woltz	Gastonia
27	D. F. Giles	Marion
27	S. C. Lattimore	Shelby
28	Mark Squires	Lenior
29	Allen Jones	Furches
30	J. M. Hodges	Newland
31	Plato D. Ebbs	Asheville
32	J. M. Zachary	Clavert
33	G. B. Walker	Andrews

APPENDIX B

Officers and Members of the  
House of Representatives  
Session 1923<sup>1</sup>

John G. Dawson, Speaker-----Kinston  
 Alex Lassiter, Principal Clerk-----Aulander  
 David P. Dellinger, Reading Clerk-----Cherryville  
 Miss Rosa Mund, Engrossing Clerk-----Concord  
 J. F. Burkhead, Sergeant-at-Arms-----Ashboro  
 M. E. Woodhouse, Asst. Sergeant-at-Arms-----Currituck

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<u>Name</u>	<u>REPRESENTATIVES</u> <u>Postoffice</u>	<u>County</u>
E. S. Parker, Jr.	Graham	Alamance
F. C. Gwaltney	Taylorsville	Alexander
R. A. Doughton	Sparta	Alleghany
Bert. E. Bennett	Wadesboro	Anson
T. C. Bowie	Jefferson	Ashe
Ed. S. Loven	Linville	Avery
Lindsay C. Warren	Washington	Beaufort
Dr. L. A. Nowell	Colerain	Bertie
D. B. Johnson	Elizabethtown	Bladen
M. B. Watkins	Toencreek	Brunswick
H. L. Nettles	Biltmore, R.F.D. #1	Buncombe
R. Eugene Taylor	Asheville	Buncombe
S. J. Ervin, Jr.	Morganton	Burke
Jno. B. Sherrill	Concord	Cabarrus
Frank D. Grist	Lenior	Caldwell
Charles Norris	South Mills	Camden
M. Leslie Davis	Beaufort	Carteret
W. L. Taylor	Semora	Caswell
J. M. Deaton	Hickory	Catawba
C. A. Snipes	Bynum	Chatham
J. H. Dillard	Murphy	Cherokee
W. D. Pruden	Edenton	Chowan
W. B. Pass	Hayesville	Clay
J. Roan Davis	Kings Mountain	Cleveland
Geo. W. Hooks	Whiteville	Columbus
R. P. Williams	New Bern	Craven
Q. K. Nimocks	Fayetteville	Cumberland
J. L. Dunton	Waterlily	Currituck
Chas. H. Grady	Manteo	Dare
H. D. Townsend	Erlanger	Davidson

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<sup>1</sup>Journal of the House of Representatives of North Carolina, 1923,  
3-5.

<u>Name</u>	<u>Postoffice</u>	<u>County</u>
M. J. Hendricks	Cana	Davie
Dr. J. H. Newberry <sup>2</sup>	Warsaw	Duplin
R. O. Everett	Durham	Durham
V. S. Bryant	Durham	Durham
R. T. Fountain	Rocky Mount	Edgecombe
C. E. Hamilton	Winston-Salem	Forsyth
R. M. Cox	Winston-Salem	Forsyth
Luther Ferrell	Winston-Salem	Forsyth
George H. Cooper	Louisburg	Franklin
H. S. Sellers	Kings Mountain	Gaston
H. B. Gaston	Belmont	Gaston
T. M. Jenkins	Robbinsville	Graham
R. W. Simpson	Trottsville	Gates
Jno. S. Watkins	Virgilina, VA. R.F.D. #2	Granville
Levi Hill	LaGrange	Greene
T. E. Whitaker	Oak Ridge	Guilford
C. G. Wright	Greensboro	Guilford
Jno. W. King	Greensboro	Guilford
R. H. Parker	Enfield	Halifax
Chas. R. Daniel	Weldon	Halifax
N. A. Townsend	Dunn	Harnett
T. L. Gwynn	Springdale	Haywood
C. P. Rogers	East Flat Rock	Henderson
L. J. Lawrence	Murfreesboro	Hertford
Martin A. Patterson	Raeford	Hoke
G. E. Davis	Lake Landing	Hyde
Zeb. V. Turlington	Mooresville	Iredell
O. B. Coward	Webster	Jackson
W. M. Sanders	Smithfield	Johnston
D. J. Thurston	Clayton	Johnston
T. C. Whitaker	Trenton	Jones
Dr. E. M. McIver	Jonesboro	Lee
J. G. Dawson	Kinston	Lenoir
A. L. Quickel	Lincolnton	Lincoln
J. Frank Ray	Franklin	Macon
J. Wiley Nelson	Marshall	Madison
Clayton Moore	Williamston	Martin
W. W. Neal	Marion	McDowell
Edgar W. Pharr	Charlotte	Mecklenburg
R. M. Person	Charlotte	Mecklenburg
W. R. Matthews	Charlotte	Mecklenburg
Dr. C. A. Peterson	Spruce Pine	Mitchell
R. B. Reynolds	Star	Montgomery
Geo. R. Ross	Jackson Springs	Moore
Dr. J. C. Braswell	Whitakers	Nash
J. W. Robbins	Rocky Mount	Nash
L. J. Poisson	Wilmington	New Hanover

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<sup>2</sup>Resigned. Succeeded by Dr. R. L. Carr.

<u>Name</u>	<u>Postoffice</u>	<u>County</u>
J. E. L. Wade	Wilmington	New Hanover
W. H. S. Burgwyn	Jackson	Northampton
H. V. Grant	Sneeds Ferry	Onslow
A. H. Graham	Hillsboro	Orange
Frank B. Hooker	Oriental	Pamlico
F. F. Cohoon	Elizabeth City	Pasquotank
W. H. Lewis	Atkinson	Pender
B. F. Bray	Hertford	Perquimans
W. A. Warren	Hurdle Mills	Person
Julius Brown	Greenville	Pitt
R. W. Smith	Ayden	Pitt
Clarence Morgan	Tryon	Polk
J. C. Moser	Ashboro	Randolph
W. N. Everett <sup>3</sup>	Rockingham	Richmond
D. P. McKinnon	Rowland	Robeson
Collier Cobb	Parkton	Robeson
James W. Walker	Reidsville	Rockingham
Thomas W. Rankin	Reidsville	Rockingham
Walter Murphy	Salisbury	Rowan
J. W. Rideoutte	Salisbury	Rowan
J. E. McFarland	Forest City	Rutherford
T. E. Owen	Clinton	Sampson
E. H. Gibson	Laurinburg	Scotland
Thos. P. Bumgardner	Albemarle	Stanly
C. M. Hauser	Germantown	Stokes
W. M. Jackson	Dobson	Surry
Dr. James Dehart	Bryson City	Swain
W. H. Duckworth	Brevard	Transylvania
F. L. W. Cohoon	Columbia	Tyrell
J. F. Milliken	Monroe	Union
Robert B. Taylor	Townesville	Vance
N. L. Broughton	Garner	Wake
C. A. Gosney	Raleigh	Wake
Clarence H. Chamblee	Zebulon	Wake
Walter R. Vaughan	Vaughan	Warren
Van B. Martin	Plymouth	Washington
Blane Coffey	Shulls Mills	Watauga
Thomas I. Sutton	Goldsboro	Wayne
A. W. Byrd	Mount Olive	Wayne
Charles H. Cowles	Wilkesboro	Wilkes
H. G. Connor, Jr.	Wilson	Wilson
S. L. Doub	East Bend	Yadkin
D. M. Buck	Bald Mountain	Yancey

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<sup>3</sup>Resigned to become Secretary of State; succeeded by J. R. Bennett of Ellerbe.

APPENDIX C

The National Prohibition Act<sup>1</sup>

Title II.

PROHIBITION OF INTOXICATING BEVERAGES.

Sec. 1. When used in Title II and Title III of this Act (1) The word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume which are fit for use for beverage purposes: Provided, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per centum of alcohol by volume, and is made as prescribed in section 37 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe.

(2) The word "person" shall mean and include natural persons, associations, copartnerships, and corporations.

(3) The word "commissioner" shall mean Commissioner of Internal Revenue.

(4) The term "application" shall mean a formal written request supported by a verified statement of facts showing that the commissioner may grant the request.

(5) The term "permit" shall mean a formal written authorization by the commissioner setting forth specifically therein the things that are authorized.

(6) The term "bond" shall mean an obligation authorized or required by or under this Act or any regulation, executed in such form and for such a penal sum as may be required by a court, the commissioner or prescribed by regulation.

(7) The term "regulation" shall mean any regulation prescribed by the commissioner with the approval of the Secretary of the Treasury for carrying out the provisions of this Act, and the commissioner is authorized to make such regulations.

Any act authorized to be done by the commissioner may be performed by any assistant or agent designated by him for that purpose. Records

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<sup>1</sup>National Prohibition Act (Volstead Act). Statutes at Large, vol. 41 (1919). Only Title II of The National Prohibition Act, popularly known as "The Volstead Act" is presented here due to the lack of application of Title I which provided for the enforcement of War Prohibition and also Title III which relates to Industrial Alcohol. The first is no longer enforced and the third is concerned with technical provisions.



required to be filed with the commissioner may be filed with an assistant commissioner or other person designated by the commissioner to receive such records.

Sec. 2. The Commissioner of Internal Revenue, his assistants, agents, and inspectors shall investigate and report violations of this Act to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury. Section 1014 of the Revised Statutes of the United States is hereby made applicable in the enforcement of this Act. Officers mentioned in said section 1014 are authorized to issue search warrants under the limitations provided in Title XI of the Act approved June 15, 1917 (Fortieth Statutes at Large, page 217, et seq.).

Sec. 3. No person shall on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect, manufacture, sell, barter, transport, import, export, deliver, furnish or possess any intoxicating liquor except as authorized in this Act, and all the provisions of this Act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented.

Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished and possessed, but only as herein provided, and the commissioner may, upon application, issue permits therefor: Provided, That nothing in this Act shall prohibit the purchase and sale of warehouse receipts covering distilled spirits on deposit in Government bonded warehouses, and no special tax liability shall attach to the business of purchasing and selling such warehouse receipts.

Sec. 4. The articles enumerated in this section shall not, after having been manufactured and prepared for the market, be subject to the provisions of this Act if they correspond with the following descriptions and limitations, namely:

(a) Denatured alcohol or denatured rum produced and used as provided by laws and regulations now or hereafter in force.

(b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes.

(c) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

(d) Tiolet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(e) Flavoring extracts and sirups that are unfit for use as a beverage, or for intoxicating beverage purposes.

(f) Vinegar and preserved sweet cider.

A person who manufactures any of the articles mentioned in this section may purchase and possess liquor for that purpose, but he shall secure permits to manufacture such articles and to purchase such liquor, give the bonds, keep the records, and make the reports specified in this Act and as directed by the commissioner. No such manufacturer shall sell, use, or dispose of any liquor otherwise than as an ingredient of the articles authorized to be manufactured therefrom. No more alcohol shall be used in the manufacture of any extract, sirup, or the articles named in paragraphs b, c, and d of this section which may be used for beverage purposes than the quantity necessary for extraction or solution of the elements contained therein and for the preservation of the article.

Any person who shall knowingly sell any of the articles mentioned in paragraphs a, b, c, and d of this section for beverage purposes, or any extract or sirup for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which the seller might reasonably deduce the intention of the purchaser to use them for such purposes, or shall sell any beverage containing one-half of 1 per centum or more of alcohol by volume in which any extract, sirup, or other article is used as an ingredient, shall be subject to the penalties provided in section 29 of this Title. If the commissioner shall find, after notice and hearing as provided for in section 5 of this Title, that any person has sold any flavoring extract, sirup, or beverage in violation of this paragraph, he shall notify such person, and any known principal for whom the sale was made, to desist from selling such article; and it shall thereupon be unlawful for a period of one year thereafter for any person so notified to sell any such extract, sirup, or beverage without making an application for, giving a bond, and obtaining a permit so to do, which permit may be issued upon such conditions as the commissioner may deem necessary to prevent such illegal sales, and in addition the commissioner shall require a record and report of sales.

Sec. 5. Whenever the commissioner has reason to believe that any article mentioned in section 4 does not correspond with the descriptions and limitations therein provided, he shall cause an analysis of said article to be made, and if, upon such analysis, the commissioner shall find that said article does not so correspond, he shall give not less than fifteen days' notice in writing to the person who is the manufacturer thereof to show cause why said article should not be dealt with as an intoxicating liquor, such notice to be served personally or by registered mail, as the commissioner may determine, and shall specify the time when, the place where, and the name of the agent or official before whom such person is required to appear.

If the manufacturer of said article fails to show to the satisfaction of the commissioner that the article corresponds to the descriptions and limitations provided in section 4 of this Title, his permit to manufacture and sell such article shall be revoked. The manufacturer may by appropriate proceeding in a court of equity have the action of the commissioner reviewed, and the court may affirm, modify, or reverse the finding of the commissioner as the facts and law of the case may warrant, and during the pendency of such proceedings may restrain the manufacture, sale, or other disposition of such article.

Sec. 6. No one shall manufacture, sell, purchase, transport, or prescribe any liquor without first obtaining a permit from the commissioner so to do, except that a person may, without a permit, purchase and use liquor for medicinal purposes when prescribed by a physician as herein provided, and except that any person who in the opinion of the commissioner is conducting a bona fide hospital or sanatorium engaged in the treatment of persons suffering from alcoholism, may, under such rules, regulations, and conditions as the commissioner shall prescribe, purchase and use, in accordance with the methods in use in such institution, liquor, to be administered to the patients of such institution under the direction of a duly qualified physician employed by such institution.

All permits to manufacture, prescribe, sell, or transport liquor, may be issued for one year, and shall expire on the 31st day of December next succeeding the issuance thereof: Provided, That the commissioner may without formal application or new bond extend any permit granted under this Act or laws now in force after August 31 in any year to December 31 of the succeeding year: Provided further, That permits to purchase liquor for the purpose of manufacturing or selling as provided in this Act shall not be in force to exceed ninety days from the day of issuance. A permit to purchase liquor for any other purpose shall not be in force to exceed thirty days. Permits to purchase liquor shall specify the quantity and kind to be purchased and the purpose for which it is to be used. No permit shall be issued to any person who within one year prior to the application therefor or issuance thereof shall have violated the terms of any permit issued under this Title or any law of the United States or of any State regulating traffic in liquor. No permit shall be issued to anyone to sell liquor at retail, unless the sale is to be made through a pharmacist designated in the permit and duly licensed under the laws of his State to compound and dispense medicine prescribed by a duly licensed physician. No one shall be given a permit to prescribe liquor unless he is a physician duly licensed to practice medicine and actively engaged in the practice of such profession. Every permit shall be in writing, dated when issued, and signed by the commissioner or his authorized agent. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted and the time when and place where such acts may be performed. No permit shall be issued until a verified, written application shall have been made therefor, setting forth the qualification of the applicant and the purpose for which the liquor is to be used.

The commissioner may prescribe the form of all permits and applications and the facts to be set forth therein. Before any permit is granted the commissioner may require a bond in such form and amount as he may prescribe to insure compliance with the terms of the permit and the provisions of this title. In the event of the refusal by the commissioner of any application for a permit, the applicant may have a review of his decision before a court of equity in the manner provided in section 5 hereof.

Nothing in this title shall be held to apply to the manufacture, sale, transportation, importation, possession, or distribution of wine for sacramental purposes, or like religious rites, except section 6 (save as

the same requires a permit to purchase) and section 10 hereof, and the provisions of this Act prescribing penalties for the violation of either of said sections. No person to whom a permit may be issued to manufacture, transport, import, or sell wines for sacramental purposes or like religious rites shall sell, barter, exchange, or furnish any such to any person not a rabbi, minister of the gospel, priest, or an officer duly authorized for the purpose by any church or congregation, nor to any such except upon an application duly subscribed by him, which application, authenticated as regulations may prescribe, shall be filed and preserved by the seller. The head of any conference or diocese or other ecclesiastical jurisdiction may designate any rabbi, minister, or priest to supervise the manufacture of wine to be used for the purposes and rites in this section mentioned, and the person so designated may, in the discretion of the commissioner, be granted a permit to supervise such manufacture.

Sec 7. No one but a physician holding a permit to prescribe liquor shall issue any prescription for liquor. And no physician shall prescribe liquor unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he in good faith believes that the use of such liquor as a medicine by such person is necessary and will afford relief to him from some known ailment. Not more than a pint of spirituous liquor to be taken internally shall be prescribed for use by the same person within any period of ten days and no prescription shall be filled more than once. Any pharmacist filling a prescription shall at the time indorse upon it over his own signature the word "canceled," together with the date when the liquor was delivered, and then make the same a part of the record that he is required to keep as herein provided.

Every physician who issues a prescription for liquor shall keep a record, alphabetically arranged in a book prescribed by the commissioner, which shall show the date of issue, amount prescribed, to whom issued, the purpose or ailment for which it is to be used and directions for use, stating the amount and frequency of the dose.

Sec. 8. The commissioner shall cause to be printed blanks for the prescriptions herein required, and he shall furnish the same, free of cost, to physicians holding permits to prescribe. The prescription blanks shall be printed in book form and shall be numbered consecutively from one to one hundred, and each book shall be given a number, and the stubs in each book shall carry the same numbers as and be copies of the prescriptions. The books containing such stubs shall be returned to the commissioner when the prescription blanks have been used, or sooner, if directed by the commissioner. All unused, mutilated, or defaced blanks shall be returned with the book. No physician shall prescribe and no pharmacist shall fill any prescription for liquor except on blanks so provided, except in cases of emergency, in which event a record and report shall be made and kept as in other cases.

Sec. 9. If at any time there shall be filed with the commissioner a complaint under oath setting forth facts showing, or if the commissioner has reason to believe, that any person who has a permit is not in good faith conforming to the provisions of this Act, or has violated the laws

of any State relating to intoxicating liquor, the commissioner or his agent shall immediately issue an order citing such person to appear before him on a day named not more than thirty and not less than fifteen days from the date of service upon such permittee of a copy of the citation, which citation shall be accompanied by a copy of such complaint, or in the event that the proceedings be initiated by the commissioner with a statement of the facts constituting the violation charged, at which time a hearing shall be had unless continued for cause. Such hearings shall be held within the judicial district and within fifty miles of the place where the offense is alleged to have occurred, unless the parties agree on another place. If it be found that such person has been guilty of willfully violating any such laws, as charged, or has not in good faith conformed to the provisions of this Act, such permit shall be revoked, and no permit shall be granted to such person within one year thereafter. Should the permit be revoked by the commissioner, the permittee may have a review of his decision before a court of equity in the manner provided in section 5 hereof. During the pendency of such action such permit shall be temporarily revoked.

Sec. 10. No person shall manufacture, purchase for sale, sell, or transport any liquor without making at the time a permanent record thereof showing in detail the amount and kind of liquor manufactured, purchased, sold, or transported, together with the names and addresses of the persons to whom sold, in case of sale, and the consignor and consignee in case of transportation, and the time and place of such manufacture, sale, or transportation. The commissioner may prescribe the form of such record, which shall at all times be open to inspection as in this Act provided.

Sec. 11. All manufacturers and wholesale or retail druggists shall keep as a part of the records required of them a copy of all permits to purchase on which a sale of any liquor is made, and no manufacturer or wholesale druggist shall sell or otherwise dispose of any liquor except at wholesale and only to persons having permits to purchase in such quantities.

Sec. 12. All persons manufacturing liquor for sale under the provisions of this title shall securely and permanently attach to every container thereof, as the same is manufactured, a label stating name of manufacturer, kind and quantity of liquor contained therein, and the date of its manufacture, together with the number of the permit authorizing the manufacture thereof; and all persons possessing such liquor in wholesale quantities shall securely keep and maintain such label thereon; and all persons selling at wholesale shall attach to every package of liquor, when sold, a label setting forth the kind and quantity of liquor contained therein, by whom manufactured, the date of sale, and the person to whom sold; which label shall likewise be kept and maintained thereon until the liquor is used for the purpose for which such sale was authorized.

Sec. 13. It shall be the duty of every carrier to make a record at the place of shipment of the receipt of any liquor transported, and he shall deliver liquor only to persons who present to the carrier a verified copy of a permit to purchase which shall be made a part of the carrier's permanent record at the office from which delivery is made.

The agent of the common carrier is hereby authorized to administer the oath to the consignee in verification of the copy of the permit presented, who, if not personally known to the agent, shall be identified before the delivery of the liquor to him. The name and address of the person identifying the consignee shall be included in the record.

Sec. 14. It shall be unlawful for a person to use or induce any carrier, or any agent or employee thereof, to carry or ship any package or receptacle containing liquor without notifying the carrier of the true nature and character of the shipment. No carrier shall transport nor shall any person receive liquor from a carrier unless there appears on the outside of the package containing such liquor the following information:

Name and address of the consignor or seller, name and address of the consignee, kind and quantity of liquor contained therein, and number of the permit to purchase or ship the same, together with the name and address of the person using the permit.

Sec. 15. It shall be unlawful for any consignee to accept or receive any package containing any liquor upon which appears a statement known to him to be false, or for any carrier or other person to consign, ship, transport, or deliver any such package, knowing such statement to be false.

Sec. 16. It shall be unlawful to give to any carrier or any officer, agent, or person acting or assuming to act for such carrier an order requiring the delivery to any person of any liquor or package containing liquor consigned to, or purporting or claimed to be consigned to a person, when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquor.

Sec. 17. It shall be unlawful to advertise anywhere, or by any means or method, liquor, or the manufacture, sale, keeping for sale or furnishing of the same, or where, how, from whom, or at what price the same may be obtained. No one shall permit any sign or billboard containing such advertisement to remain upon one's premises. But nothing herein shall prohibit manufacturers and wholesale druggists holding permits to sell liquor from furnishing price lists, with description of liquor for sale, to persons permitted to purchase liquor, or from advertising alcohol in business publications or trade journals circulating generally among manufacturers of lawful alcoholic perfumes, toilet preparations, flavoring extracts, medicinal preparations, and like articles: Provided, however, That nothing in this Act or in the Act making appropriations for the Post Office Department, approved March 3, 1917 (Thirty-ninth Statutes at Large, Part 1, page 1058, et seq.), shall apply to newspapers published in foreign countries when mailed to this country.

Sec. 18. It shall be unlawful to advertise, manufacture, sell, or possess for sale any utensil, contrivance, machine, preparation, compound, tablet, substance, formula direction, or recipe advertised, designed, or intended for use in the unlawful manufacture of intoxicating liquor.

Sec. 19. No person shall solicit or receive, nor knowingly permit his employee to solicit or receive, from any person any order for liquor or give any information of how liquor may be obtained in violation of this Act.

Sec. 20. Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication, and in any such action such person shall have a right to recover actual and exemplary damages. In case of the death of either party, the action or right of action given by this section shall survive to or against his or her executor or administrator, and the amount so recovered by either wife or child shall be his or her sole and separate property. Such action may be brought in any court of competent jurisdiction. In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefor, but recovery by one of such parties shall be a bar to suit brought by the other.

Sec. 21. Any room, house, building, boat, vehicle, structure, or place where intoxicating liquor is manufactured, sold, kept, or bartered in violation of this title, and all intoxicating liquor and property kept and used in maintaining the same, is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or be imprisoned for not more than one year, or both. If a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure, or place is occupied or used for the manufacture or sale of liquor contrary to the provision of this title, and suffers the same to be so occupied or used, such room, house, building, boat, vehicle, structure, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance for such violation, and any such lien may be enforced by action in any court having jurisdiction.

Sec. 22. An action to enjoin any nuisance defined in this title may be brought in the name of the United States by the Attorney General of the United States or by any United States attorney or any prosecuting attorney of any State or any subdivision thereof or by the commissioner or his deputies or assistants. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the trial. If a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this Act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquors shall be manufactured, sold, bartered, or stored in such room, house, building, boat, vehicle, structure, or place, or

any part thereof. And upon judgment of the court ordering such nuisance to be abated, the court may order that the room, house, building, structure, boat, vehicle, or place shall not be occupied or used for one year thereafter; but the court may, in its discretion, permit it to be occupied or used if the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal and liquidated sum of not less than \$500 nor more than \$1,000, payable to the United States, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, kept, or otherwise disposed of therein or thereon, and that he will pay all fines, costs, and damages that may be assessed for any violation of this title upon said property.

Sec. 23. That any person who shall, with intent to effect a sale of liquor, by himself, his employee, servant, or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or other conveyance whatever, or leave in a place for another to secure, any liquor, or who shall travel to solicit, or solicit, or take, or accept orders for the sale, shipment, or delivery of liquor in violation of this title is guilty of a nuisance and may be restrained by injunction, temporary and permanent, from doing or continuing to do any of said acts or things.

In such proceedings it shall not be necessary to show any intention on the part of the accused to continue such violations if the action is brought within sixty days following any such violation of the law.

For removing and selling property in enforcing this Act the officer shall be entitled to charge and receive the same fee as the sheriff of the county would receive for levying upon and selling property under execution, and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

Any violation of this title upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease.

Sec. 24. In the case of the violation of any injunction, temporary or permanent, granted pursuant to the provisions of this title, the court, or in vacation a judge thereof, may summarily try and punish the defendant. The proceedings for punishment for contempt shall be commenced by filing with the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court or judge shall forthwith cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. Any person found guilty of contempt under the provisions of this section shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment of not less than thirty days nor more than twelve months, or by both fine and imprisonment.

Sec. 25. It shall be unlawful to have or possess any liquor or property designed for the manufacture of liquor intended for use in violating this title or which has been so used, and no property rights shall exist in any such liquor or property. A search warrant may issue as provided in Title XI of public law numbered 24 of the Sixty-fifth



Congress, approved June 15, 1917, and such liquor, the containers thereof, and such property so seized shall be subject to such disposition as the court may make thereof. If it is found that such liquor or property was so unlawfully held or possessed, or had been so unlawfully used, the liquor, and all property designed for the unlawful manufacture of liquor, shall be destroyed, unless the court shall otherwise order. No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor, or unless it is in part used for some business purpose such as a store, shop, saloon, restaurant, hotel, or boarding house. The term "private dwelling" shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process.

Sec. 26. When the commissioner, his assistants, inspectors, or any officer of the law shall discover any person in the act of transporting in violation of the law, intoxicating liquors in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize any and all intoxicating liquors found therein being transported contrary to law. Whenever intoxicating liquors transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this title in any court having competent jurisdiction; but the said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in a sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor destroyed, and unless good cause to the contrary is shown by the owner, shall order a sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor, and shall pay the balance of the proceeds into the Treasury of the United States as miscellaneous receipts. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken or if there be no newspaper published in such city or county, in a newspaper having circulation in the county, once a week for two weeks and by handbills posted in three public places near the place of seizure, and

if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the Treasury of the United States as miscellaneous receipts.

Sec. 27. In all cases in which intoxicating liquors may be subject to be destroyed under the provisions of this Act the court shall have jurisdiction upon the application of the United States attorney to order them delivered to any department or agency of the United States Government for medicinal, mechanical, or scientific uses, or to order the same sold at private sale for such purposes to any person having a permit to purchase liquor the proceeds to be covered into the Treasury of the United States to the credit of miscellaneous receipts, and all liquor heretofore seized in any suit or proceeding brought for violation of law may likewise be so disposed of, if not claimed within sixty days from the date this section takes effect.

Sec. 28. The commissioner, his assistants, agents, and inspectors, and all other officers of the United States, whose duty it is to enforce criminal laws, shall have all the power and protection in the enforcement of this Act or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale or intoxicating liquors under the law of the United States.

Sec. 29. Any person who manufactures or sells liquor in violation of this title shall for a first offense be fined not more than \$1,000, or imprisoned not exceeding six months, and for a second or subsequent offense shall be fined not less than \$200 nor more than \$2,000 and be imprisoned not less than one month nor more than five years.

Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this title, or violates any of the provisions of this title, for which offense a special penalty is not prescribed, shall be fined for a first offense not more than \$500; for a second offense not less than \$100 nor more than \$1,000, or be imprisoned not more than ninety days; for any subsequent offense he shall be fined not less than \$500 and be imprisoned not less than three months nor more than two years. It shall be the duty of the prosecuting officer to ascertain whether the defendant has been previously convicted and to plead the prior conviction in the affidavit, information, or indictment. The penalties provided in this Act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar.

Sec. 30. No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpoena of any court in any suit or proceeding based upon or growing out of any alleged violation of this Act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence, but no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 31. In case of a sale of liquor where the delivery thereof was made by a common or other carrier the sale and delivery shall be deemed to be made in the county or district wherein the delivery was made by such carrier to the consignee, his agent or employee, or in the county or district wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in any such county or district.

Sec. 32. In any affidavit, information or indictment for the violation of this Act, separate offenses may be united in separate counts and the defendant may be tried on all at one trial and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful, but this provision shall not be construed to preclude the trial court from directing the furnishing the defendant a bill of particulars when it deems it proper to do so.

Sec. 33. After February 1, 1920, the possession of liquors by any person not legally permitted under this title to possess liquor shall be prima facie evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this title. Every person legally permitted under this title to have liquor shall report to the commissioner within ten days after the date when the eighteenth amendment of the Constitution of the United States goes into effect, the kind and amount of intoxicating liquors in his possession. But it shall not be unlawful to possess liquors in one's private dwelling while the same is occupied and used by him as his dwelling only and such liquor need not be reported, provided such liquors are for use only for the personal consumption of the owner thereof and his family residing in such dwelling and of his bona fide guests when entertained by him therein; and the burden of proof shall be upon the possessor in any action concerning the same to prove that such liquor was lawfully acquired, possessed, and used.

Sec. 34. All records and reports kept or filed under the provisions of this Act shall be subject to inspection at any reasonable hour by the commissioner or any of his agents or by any public prosecutor or by any person designated by him, or by any peace officer in the State where the record is kept, and copies of such records and reports duly certified by the person with whom kept or filed may be introduced in evidence with like effect as the originals thereof, and verified copies of such records shall be furnished to the commissioner when called for.

Sec. 35. All provisions of law that are inconsistent with this Act are repealed only to the extent of such inconsistency and the regulations herein provided for the manufacture or traffic in intoxicating liquor shall be construed as in addition to existing laws. This Act shall not relieve anyone from paying any taxes or other charges imposed upon the manufacture or traffic in such liquor. No liquor revenue stamps or tax receipts for any illegal manufacture or sale shall be issued in advance, but upon evidence of such illegal manufacture or sale a tax shall be assessed against, and collected from, the person responsible for such

illegal manufacture or sale in double the amount now provided by law, with an additional penalty of \$500 on retail dealers and \$1,000 on manufacturers. The payment of such tax or penalty shall give no right to engage in the manufacture or sale of such liquor, or relieve anyone from criminal liability, nor shall this Act relieve any person from any liability, civil or criminal, heretofore or hereafter incurred under existing laws.

The commissioner, with the approval of the Secretary of the Treasury, may compromise any civil cause arising under this title before bringing action in court; and with the approval of the Attorney General he may compromise any such cause after action thereon has been commenced.

Sec. 36. If any provision of this Act shall be held invalid it shall not be construed to invalidate other provisions of the Act.

Sec. 37. Nothing herein shall prevent the storage in United States bonded warehouses of all liquor manufactured prior to the taking effect of this Act, or prevent the transportation of such liquor to such warehouses or to any wholesale druggist for sale to such druggist for purposes not prohibited when the tax is paid, and permits may be issued therefor.

A manufacturer of any beverage containing less than one-half of 1 per centum of alcohol by volume may, on making application and giving such bond as the commissioner shall prescribe, be given a permit to develop in the manufacture thereof by the usual methods of fermentation and fortification or otherwise a liquid such as beer, ale, porter, or wine, containing more than one-half of 1 per centum of alcohol by volume, but before any such liquid is withdrawn from the factory or otherwise disposed of the alcoholic contents thereof shall under such rules and regulations as the commissioner may prescribe be reduced below such one-half of 1 per centum of alcohol: Provided, That such liquid may be removed and transported, under bond and under such regulations as the commissioner may prescribe, from one bonded plant or warehouse to another for the purpose of having the alcohol extracted therefrom. And such liquids may be developed, under permit, by persons other than the manufacturers of beverages containing less than one-half of 1 per centum of alcohol by volume, and sold to such manufacturers for conversion into such beverages. The alcohol removed from such liquid, if evaporated and not condensed and saved, shall not be subject to tax; if saved, it shall be subject to the same law as other alcoholic liquors. Credit shall be allowed on the tax due on any alcohol so saved to the amount of any tax paid upon distilled spirits or brandy used in the fortification of the liquor from which the same is saved.

When fortified wines are made and used for the production of non-beverage alcohol, and dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume, no tax shall be assessed or paid on the spirits used in such fortification, and such dealcoholized wines produced under the provisions of this Act, whether carbonated or not, shall not be subject to the tax on artificially carbonated or sparkling wines, but shall be subject to the tax on still wines only.

In any case where the manufacturer is charged with manufacturing or selling for beverage purposes any malt, vinous, or fermented liquids containing one-half of 1 per centum or more of alcohol by volume, or in

any case where the manufacturer, having been permitted by the commissioner to develop a liquid such as ale, beer, porter, or wine containing more than one-half of 1 per centum of alcohol by volume in the manner and for the purpose herein provided, is charged with failure to reduce the alcoholic content of any such liquid below such one-half of 1 per centum before withdrawing the same from the factory, then in either such case the burden of proof shall be on such manufacturer to show that such liquid so manufactured, sold, or withdrawn contains less than one-half of 1 per centum of alcohol by volume. In any suit or proceeding involving the alcoholic content of any beverage, the reasonable expense of analysis of such beverage shall be taxed as costs in the case.

Sec. 38. The Commissioner of Internal Revenue and the Attorney General of the United States are hereby respectively authorized to appoint and employ such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, and to purchase such supplies and equipment as they may deem necessary for the enforcement of the provisions of this Act, but such assistants, experts, clerks, and other employees, except such executive officers as may be appointed by the Commissioner or the Attorney General to have immediate direction of the enforcement of the provisions of this Act, and persons authorized to issue permits, and agents and inspectors in the field service, shall be appointed under the rules and regulations prescribed by the Civil Service Act: Provided, That the Commissioner and Attorney General in making such appointments shall give preference to those who have served in the military or naval service in the recent war, if otherwise qualified, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be required for the enforcement of this Act including personal services in the District of Columbia, and for the fiscal year ending June 30, 1920, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000,000 for the use of the Commissioner of Internal Revenue and \$100,000, for the use of the Department of Justice for the enforcement of the provisions of this Act, including personal services in the District of Columbia and necessary printing and binding.

Section 39. In all cases wherein the property of any citizen is proceeded against or wherein a judgment affecting it might be rendered, and the citizen is not the one who in person violated the provisions of the law, summons must be issued in due form and served personally, if said person is to be found within the jurisdiction of the court.

APPENDIX D

The Turlington Act<sup>1</sup>

CHAPTER 1

AN ACT TO MAKE THE STATE LAW CONFORM TO THE NATIONAL LAW IN RELATION TO INTOXICATING LIQUORS.

The General Assembly of North Carolina do enact:

Section 1. When used in this act--

(1) The word "liquor" or the phrase "Intoxicating liquor" shall be construed to include alcohol, brandy, whiskey, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquors, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of one per centum or more of alcohol by volume, which are fit for use for beverage purposes: Provided, that the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter, or wine is produced, if it contains less than one-half of one per cent of alcohol by volume, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, sealed and labeled bottles, casks, or containers, and is made in accordance with the regulations set forth in Title II of "The Volstead Act," an act of Congress enacted October twenty-eighth, one thousand nine hundred and nineteen, and an act supplemental to the National Prohibition Act, "H. R. 7294," an act of Congress approved November twenty-third, one thousand nine hundred and twenty-one.

(2) the word "person" shall mean and include natural persons, associations, copartnerships, and corporations.

Sec. 2. No person shall manufacture, sell, barter, transport, import, export, deliver, furnish, purchase, or possess any intoxicating liquor except as authorized in this act; and all the provisions of this act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented. Liquor for nonbeverage purposes and wine for sacramental purposes may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished, and possessed, but only as provided by Title II of "The Volstead Act," act of Congress enacted October twenty-eighth, one thousand nine hundred and nineteen, an act supplemental to the National Prohibition Act, "H. R. 7294," an act of Congress approved November twenty-third, one thousand nine hundred and twenty-one.

Sec. 3. It shall be unlawful to advertise, anywhere or by any means or method, liquor, or the manufacture, sale, keeping for sale or

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<sup>1</sup>Public Laws of North Carolina, 1923, vol. I, c. 1.

furnishing of the means, or where, how, from whom, or at what price the same may be obtained. No one shall permit any sign or billboard containing such advertisement to remain upon one's premises.

Sec. 4. It shall be unlawful to advertise, manufacture, sell, or possess for sale any utensil, contrivance, machine, preparation, compound, tablet, substance, formula, direction, or receipt advertised, designed, or intended for use in the unlawful manufacture of intoxicating liquor. It shall be unlawful to have or possess any liquor or property designated for the manufacture of liquor intended for use in violating this act, or which has been so used, and no property rights shall exist in any such liquor or property.

Sec. 5. No person shall solicit or receive, nor knowingly permit his employee to solicit or receive, from any person any order for liquor or give any information of how liquor may be obtained in violation of this act.

Sec. 6. When any officer of the law shall discover any person in the act of transporting, in violation of the law, intoxicating liquor in any wagon, buggy, automobile, water or air craft, or other vehicle, it shall be his duty to seize any and all intoxicating liquor found therein being transported contrary to law. Whenever intoxicating liquor transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this act in any court having competent jurisdiction; but the said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in a sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide the judgment of the court. The court, upon the conviction of the person so arrested, shall order the liquor destroyed, and, unless the claimant can show that the property seized is his property, and that the same was used in transporting liquor without his knowledge and consent, with the right on the part of the claimant to have a jury pass upon his claim, shall order a sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping the property, the fee for the seizure, and the cost of the sale, shall pay all liens, according to their priorities, which are established, by intervention or otherwise at said hearing or in other proceeding brought for said purpose, as being bona fide and as having been created without the lienor having any notice that the carrying vehicle was being used for illegal transportation of liquor, and shall pay the balance of the proceeds to the treasurer or proper officer in the county who receives fines and forfeitures, to be used for the school fund of the county. All liens against property sold under the provisions of this section shall be transferred from the property to the proceeds of the sale of the property. If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken, or, if there be no newspaper

published in such city or county, in a newspaper having circulation in the county, once a week for two weeks and by handbills posted in three public places near the place of seizure, and if no claimant shall appear within ten days after the last publication of the advertisement, the property shall be sold, and the proceeds, after deducting the expenses and costs, shall be paid to the treasurer or proper officer in the county who receives fines and forfeitures, to be used for the school fund of the county: Provided, that nothing in this section shall be construed to authorize any officer to search any automobile or other vehicle or baggage of any person without a search warrant duly issued, except where the officer sees or has absolute personal knowledge that there is intoxicating liquor in such vehicle or baggage.

Sec. 7. No person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence in obedience to a subpoena of any court in any suit or proceeding based upon or growing out of any alleged violation of this act; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, he may so testify or produce evidence; but no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 8. In case of a sale of liquor where the delivery thereof was made by a common or other carrier, the sale and delivery shall be deemed to be made in the county wherein the delivery was made by such carrier or the consignee, his agent or employee, or in the county wherein the sale was made, or from which the shipment was made, and prosecution for such sale or delivery may be had in either county.

Sec. 9. In any affidavit, information, warrant, or indictment for the violation of this act, separate offenses may be united in separate counts, and the defendant may be tried on all at one trial, and the penalty for all offenses may be imposed. It shall not be necessary in any affidavit, information, warrant, or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful; but this provision shall not be construed to preclude the trial court from directing the furnishing the defendant a bill of particulars when it deems it proper to do so.

Sec. 10. From and after the ratification of this act the possession of liquor by any person not legally permitted under this act to possess liquor shall be prima facie evidence that such liquor is kept for the purpose of being sold, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this act. But it shall not be unlawful to possess liquor in one's private dwelling while the same is occupied and used by him as his dwelling only, provided such liquor is for use only for the personal consumption of the owner thereof, and his family residing in such dwelling, and of his bona fide guests when entertained by him therein.

Sec. 11. In all cases wherein the property of any citizen is proceeded against or wherein a judgment affecting it might be rendered, and the citizen is not the one who in person violated the provisions of the



law, summons must be issued in due form and served personally, if said person is to be found within the jurisdiction of the court.

Sec. 12. Upon the filing of a complaint under oath by a reputable citizen or information furnished under oath by an officer charged with the execution of the law, before a justice of the peace, recorder, mayor, or other officer authorized by the law to issue warrants, that he has reason to believe that any person has in his possession, at a place or places specified, liquor for the purpose of sale, a warrant shall be issued commanding the officer to whom it is directed to search the place or places described in such complaint or information; and if such liquor be found in any such place or places, to seize and take into his custody all such liquor, and to seize and take into his custody all glasses, bottles, jugs, pumps, bars, or other equipment used in the business of selling intoxicating liquor which may be found at such place or places, and to keep the same subject to the order of the court. The complaint or information shall describe the place or places to be searched with sufficient particularity to identify the same, and shall describe the intoxicating liquor or other property alleged to be used in carrying on the business of selling intoxicating liquor as particularly as practicable, and any description, however general, that will enable the officer executing the warrant to identify the property seized shall be deemed sufficient. All liquor seized under this section shall be held and upon acquittal of the person so charged shall be returned to such person, and upon conviction, or upon default of appearance, shall be destroyed.

Sec. 13. When the solicitor of any judicial district has good reason to believe that liquor has been manufactured or sold contrary to law within the county in his district, and believes that any person has knowledge of the existence and establishment of any illicit distillery, or that any person has sold liquor illegally, then it is lawful for the solicitor to apply to the clerk of the Superior Court of the county wherein the offense is supposed to have been committed to issue a subpoena for the person so having knowledge of said offense to appear before the next grand jury drawn for the county, there to testify upon oath what he may know touching the existence, establishment, and whereabouts of said distillery, or persons who have sold intoxicating liquor contrary to law, who shall give the names and personal description of the keepers thereof, and of any person who has sold liquor unlawfully; and such evidence, when so obtained, shall be considered and held in law as an information on oath upon which the grand jury shall make presentment, as provided by law in other cases. If any officer shall fail or refuse to use due diligence in the execution of the provisions of this section he shall be guilty of laches in office, and such failure be cause for removal from office.

Sec. 14. No corporation, club, association, or person shall directly or indirectly keep or maintain, alone or by association with others, or by any other means, or shall in any manner aid, assist, or abet others in keeping or maintaining a clubroom or other place where intoxicating liquor is received, kept, or stored for barter, sale, exchange, distribution, or division among the members of any such club or association or aggregation of persons, or to or among any other persons by any means

whatever, or shall act as agents in ordering, procuring, buying, storing, or keeping intoxicating liquor for any such purpose.

Sec. 15. All express companies, railroad companies, or other transportation companies doing business in this State are required hereby to keep a separate book in which shall be entered immediately upon receipt thereof the name of the person to whom liquor is shipped, the amount and kind received, and the date when received, the date when delivered, by whom delivered, and to whom delivered, after which record shall be a blank space, in which the consignee shall be required to sign his name, or, if he cannot write, shall make his mark in the presence of a witness, before such liquor is delivered to such consignee, and which book shall be open for inspection to any officer or citizen of the State, county, or municipality any time during business hours of the company, and such book shall constitute prima facie evidence of the facts therein and will be admissible in any of the courts of this State. Any express company, railroad company, or other transportation company, or any employee or agent of any express company, railroad company, or other transportation company violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 16. In indictments for violating any provisions of this article it shall not be necessary to allege a sale to a particular person, and the violation of law may be proved by circumstantial evidence as well as by direct evidence.

Sec. 17. It is unlawful for any person to serve with meals, or otherwise, any liquor or intoxicating bitters, where any charge is made for such meal or service.

Sec. 18. It is unlawful for any druggist or pharmacist to sell, or otherwise dispose of for gain, any intoxicating liquor.

Sec 19. The provisions of this act shall not apply to grain alcohol, received by duly licensed physicians, druggists, dental surgeons, college, university, and State laboratories, and manufacturers of medicine, when intended to be used in compounding, mixing, or preserving medicines or medical preparations, or for surgical purposes, when obtained as hereinbefore provided: Provided, however, that nothing contained in this act shall prohibit the importation into the State of North Carolina and the delivery and possession in the State for use in industry, manufactures, and arts of any denatured alcohol or other denatured spirits which are compounded and made in accordance with the formulae prescribed by acts of Congress of the United States and regulations made under authority thereof by the Treasury Department of the United States and the Commissioner of Internal Revenue thereof, and which are not now subject to internal revenue tax levied by the Government of the United States: Provided further, that this act shall not apply to wines and liquors required and used by hospitals or sanatoriums bona fide established and maintained for the treatment of patients addicted to the use of liquor, morphine, opium, cocaine, or other deleterious drugs, when the same are administered to patients actually in such hospitals or sanatoriums for treatment, and when the same are administered as an essential part of the particular system or method of treatment and exclusively by or under the direction of a duly licensed and registered physician of good moral character and standing: Provided

further, that this act shall not prohibit the manufacture or sale of cider or vinegar.

Sec. 20. It is lawful for any ordained minister of the gospel who is in charge of a church and at the head of a congregation in this State to receive in the space of ninety consecutive days a quantity of vinous liquor not greater than three gallons, for use in sacramental purposes only, and it shall be lawful for him to receive same in one or more packages or one or more receptacles.

Sec. 21. It is the duty of the sheriff of each county in the State and of the police of each incorporated town or city in the State to search for and seize any distillery or apparatus used for the manufacture of intoxicating liquor in violation of the laws of North Carolina, and to deliver same, with any materials used for making such liquor found on the premises, to the board of county commissioners, who shall confiscate the same and shall cause the distillery to be cup up and destroyed, in their presence or in the presence of a committee of the board, and who may dispose of the material, including the copper or other material from the destroyed still or apparatus, in such manner as they may deem proper.

Sec. 22. It is the duty of the sheriff and other officers mentioned in the preceding section to seize and then and there destroy any and all liquor which may be found at any distillery for the manufacture of intoxicating liquor in violation of law, and to arrest and hold for trial all persons found on the premises engaged in distilling or aiding or abetting in the manufacture or sale of intoxicating liquor.

Sec. 23. If any officer mentioned in the two preceding sections shall fail or refuse to use diligence in the execution of the provisions of such section, after being informed of violation thereof, he shall be guilty of laches in office, and such failure be cause for removal therefrom.

Sec. 24. For every distillery seized under this act the sheriff or other police officer shall receive such sum as the board of county commissioners of the county in which the seizure was made shall, in the discretion of such board, allow, which sum shall not be less than five dollars nor more than twenty dollars: Provided, that the commissioners shall not pay any amount if they are satisfied, after due investigation, that the seizure of the distillery was not bona fide made: Provided further, that when the sheriff of a county captures a distillery he shall receive the fee for his own use, regardless of whether he be on fees or on salary.

Sec. 25. When any justice of the peace, magistrate, recorder, mayor of a town, or judge of the Superior Courts or Supreme Court shall have good reason to believe that any person within his jurisdiction has knowledge of the unlawful sale of liquor or the existence and establishment of any place where intoxicating liquor is sold or manufactured contrary to law, in any town or county within his jurisdiction, such person not being minded to make voluntary information thereof on oath, then it shall be lawful for such justice of the peace, magistrate, recorder, mayor, or judge to issue to the sheriff of the county or to any constable of the town or township in which such place where intoxicating liquor is sold or manufactured contrary to law is supposed to be, a subpoena, *capias ad testificandum*, or other summons in writing,

commanding such person to appear immediately before such justice of the peace, magistrate, recorder, mayor, or judge, and give evidence on oath as to what he may know touching the existence, establishment, and whereabouts of such place where intoxicating liquor is sold or manufactured contrary to law, and the name and personal description of the keeper thereof, or person selling or manufacturing liquor. Such evidence, when obtained, shall be considered and held in law as an information under oath, and the justice, magistrate, recorder, mayor, or judge may thereupon proceed to seize and arrest such keeper or person selling, manufacturing, or having liquor contrary to law, and issue such process as is provided by law. No discovery made by the witness upon such examination shall be used against him in any penal or criminal prosecution, and he shall be altogether pardoned of the offense so done or participated in by him.

Sec. 26. It is unlawful for any person to distil, manufacture, or in any manner make, or for any person to aid, assist, or abet any such person in distilling, manufacturing, or in any manner making any spirituous or malt liquors or intoxicating bitters within the State of North Carolina. Any person or persons violating the provisions of this section shall, for the first conviction, be guilty of a misdemeanor and, upon conviction or confession of guilt, punished in the discretion of the court; for the second or any subsequent conviction, said person or persons shall be guilty of a felony, and upon conviction or confession in open court shall be imprisoned in the State Prison for not less than four months and not exceeding five years, in the discretion of the court.

Sec. 27. Any person violating any of the provisions of this act, except as otherwise specified in this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court: Provided, that no person shall be punished who has been previously punished for the same offense by a Federal court.

Sec. 28. All laws in conflict with this act are hereby repealed, but nothing in this act shall operate to repeal any of the local acts of the General Assembly of North Carolina prohibiting the manufacture or sale or other disposition of any liquor mentioned in this act, or any laws for the enforcement of the same, but all such acts shall continue in full force and effect and in concurrence herewith, and indictment or prosecution may be had either under this act or under any local act relating to the same subject.

Sec. 29. If any provision of this act shall be held invalid, it shall not be construed to invalidate other provisions of this act.

Sec. 30. This act shall be in force from and after its ratification. Ratified this the 1st day of March, A. D. 1923.

APPENDIX E

VOTE ON RATIFICATION OF THE TWENTY-FIRST AMENDMENT<sup>1</sup>

(Repeal of the Eighteenth Amendment)

States shown in order of receipt of ratification notice by office of Secretary of State in Washington, D. C.

State	Date of vote--1933	For	Per Cent	Against	Per Cent
Michigan . . . .	April 3	850,546	74.8	287,931	25.2
Wisconsin . . . .	April 4	648,031	82.1	141,518	17.9
Rhode Island . . .	May 1	150,297	87.8	20,927	12.2
New Jersey . . . .	May 16	573,532	86.3	90,743	13.7
Wyoming . . . . .	May 15	17,000	85.4	2,900	14.6
Delaware . . . . .	May 27	45,615	77.2	13,505	22.8
Massachusetts . . .	June 13	436,356	81.7	97,702	18.3
Indiana . . . . .	June 6	550,902	64.4	304,563	35.6
Illinois . . . . .	June 5	1,227,668	78.2	341,773	21.8
Iowa . . . . .	June 20	376,661	60.1	249,534	39.9
Connecticut . . . .	June 20	236,742	87.2	34,816	12.8
New Hampshire . . .	June 20	75,965	71.4	30,374	28.6
California . . . . .	June 27	1,018,004	76.2	318,600	23.8
West Virginia . . .	June 27	218,638	01.6	136,552	38.4
New York . . . . .	May 23	1,946,532	88.7	247,450	11.3
Arkansas . . . . .	July 18	67,622	59.5	46,091	40.5
Alabama . . . . .	July 18	100,269	58.7	70,631	41.3
Oregon . . . . .	July 21	136,713	65.2	72,854	34.8
Tennessee . . . . .	July 20	126,950	51.4	120,159	48.6
Arizona . . . . .	August 8	37,643	76.9	11,323	23.1
Missouri . . . . .	August 19	503,642	76.2	156,961	23.8
Nevada . . . . .	May 27	(2)			
Vermont . . . . .	September 5	41,182 <sup>3</sup>	66.7	20,583 <sup>4</sup>	33.3
Washington . . . . .	August 29	364,616	70.7	150,920	29.3
Minnesota . . . . .	September 12	348,457	65.8	180,796	34.2
Colorado . . . . .	September 12	133,906	68.0	63,089	32.0

<sup>1</sup>Leonard V. Harrison and Elizabeth Laine. After Repeal. (New York: Harper and Brothers, 1936), 230.

<sup>2</sup>Delegates elected for convention.

<sup>3</sup>Vote Cast for highest candidate.

<sup>4</sup>Delegates elected for convention.

State	Date of vote--1933	For	Per Cent	Against	Per Cent
Maryland . . . . .	September 12	205,130 <sup>5</sup>	81.8	45,776 <sup>4</sup>	18.2
Idaho . . . . .	September 19	56,652	58.0	40,977	42.0
Virginia . . . . .	October 3	99,460	63.0	58,518	37.0
New Mexico . . . . .	September 19	53,492	77.5	15,541	22.5
Florida . . . . .	October 10	98,101	80.1	24,317 <sup>6</sup>	19.9
Texas . . . . .	August 26	310,710	61.4	195,340	38.6
Kentucky . . . . .	November 7	386,653	62.3	234,417	37.7
Ohio . . . . .	November 7	1,444,033	71.2	584,238	28.8
Pennsylvania . . . . .	November 7	1,864,411	76.0	583,513	24.0
Utah . . . . .	November 7	102,224 <sup>4</sup>	60.8	65,898 <sup>4</sup>	39.2
Maine . . . . .	September 11	114,792	68.4	53,076	31.6
South Carolina . . . . .	November 7	33,074	48.0	35,845	52.0
North Carolina . . . . .	November 7	120,190	29.0	293,484	71.0

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<sup>4</sup>Delegates elected for convention.

<sup>5</sup>No Convention. Unofficial.

<sup>6</sup>There were also cast 18,407 unemployed votes.

APPENDIX F

Counties and Cities Establishing  
Alcoholic Beverage Control Stores<sup>1</sup>

June 26, 1935	Nash County
July 2, 1935	Wilson County
July 3, 1935	Edgecombe County
July 12, 1935	Beaufort County
July 15, 1935	Vance County
July 17, 1935	Pasquotank County
July 19, 1935	Halifax County
July 19, 1935	Martin County
July 22, 1935	Warren County
July 27, 1935	Pitt County
July 29, 1935	Lenior County
August 1, 1935	Greene County
August 3, 1935	New Hanover County
September 1, 1935	Craven County
November 1, 1935	Onslow County
July 6, 1936	Carteret County
June 17, 1937	Dare County
June 21, 1937	Durham County
July 1, 1937	Washington County
July 1, 1937	Moore County
August 4, 1937	Wake County
August 2, 1937	Chowan County
August 7, 1937	Cumberland County
November 1, 1937	Tyrell County
November 15, 1941	Bertie County
August 25, 1947	Mecklenburg County
October 21, 1949	Catawba County
October 24, 1949	Rowan County
April 15, 1952	Pamlico County
December 3, 1953	Caswell County
December 6, 1957	Jones County
April 10, 1959	Orange County
August 6, 1962	Hoke County
November 14, 1962	Person County
July 10, 1963	Pender County
July 19, 1963	Granville County
June 15, 1964	Wayne County
December 15, 1964	Johnston County

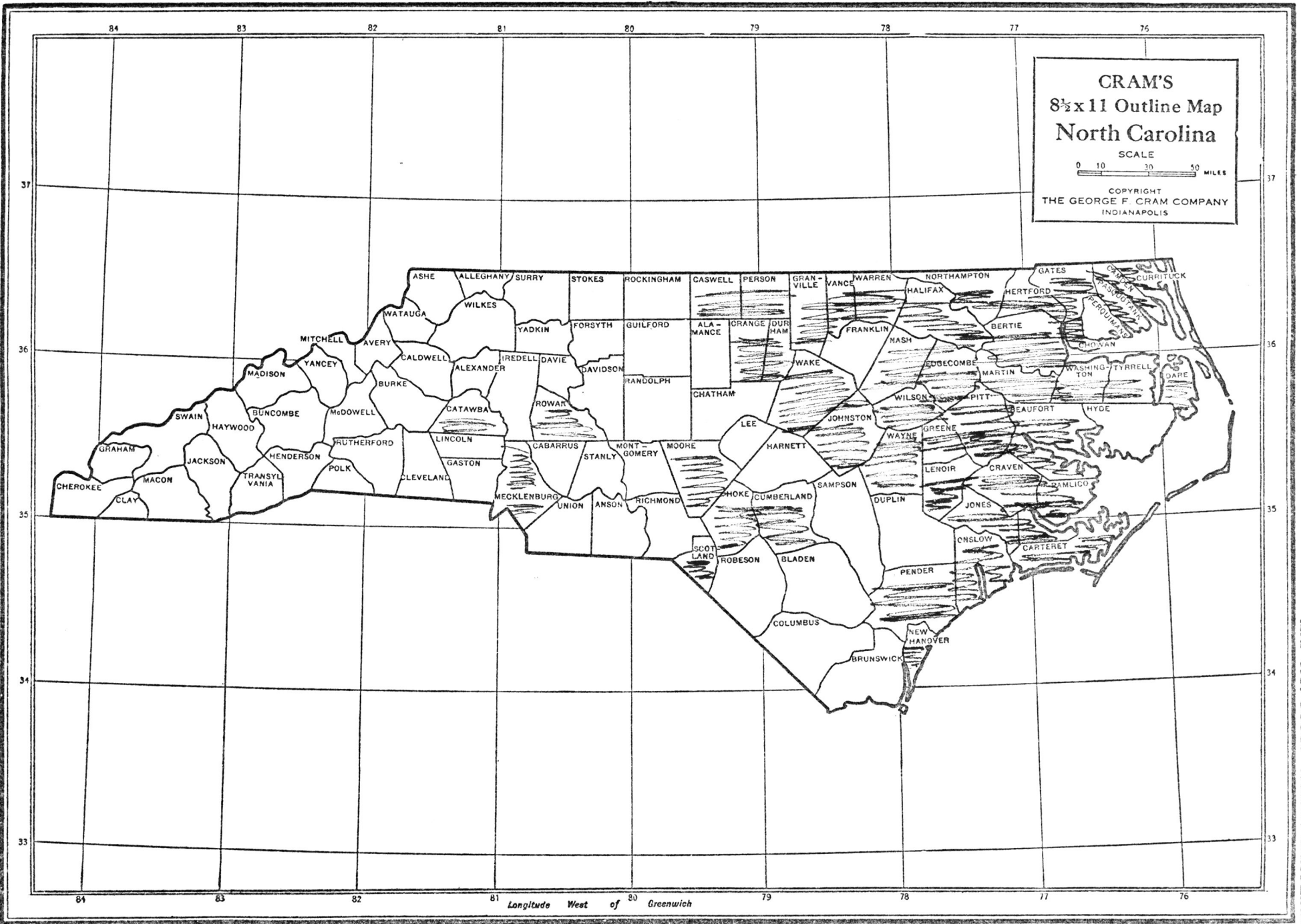
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<sup>1</sup>Rearrangement of data provided by "Public Revenues From Alcoholic Beverages - North Carolina ABC Stores." Raleigh: North Carolina Board of Alcoholic Control, July 1, 1975 to June 30, 1976.

July 28, 1965	Hertford County
October 1, 1965	Gates County
October 1, 1965	Northampton County
April 11, 1967	Currituck County
October 9, 1969	Scotland County
April 1, 1972	Camden County
July 24, 1947	Franklinton (Franklin County)
December 15, 1947	Asheville (Buncombe County)
August 30, 1951	Greensboro (Guilford County)
October 23, 1951	Winston-Salem (Forsyth County)
December 12, 1951	Tryon (Polk County)
September 13, 1957	Southport (Brunswick County)
August 1, 1959	Shalotte (Brunswick County)
November 19, 1960	Hendersonville (Henderson County)
January 1, 1961	Sanford (Lee County)
August 11, 1961	Ocean Isle Beach (Brunswick County)
August 15, 1961	Sparta (Alleghany County)
October 2, 1961	Hertford (Perquimans County)
November 8, 1961	Burlington-Graham (Alamance County)
December 16, 1961	Jamestown (Guilford County)
May 1, 1962	Dunn (Harnett County)
May 15, 1962	Long Beach (Brunswick County)
July 6, 1963	Roseboro (Sampson County)
October 14, 1963	Hot Springs (Madison County)
November 6, 1963	Morganton (Burke County)
December 2, 1963	Wadesboro (Anson County)
December 4, 1963	Hamlet (Richmond County)
December 4, 1963	Monroe (Union County)
December 18, 1963	Bunn (Franklin County)
March 9, 1964	Granite Falls (Caldwell County)
June 10, 1965	Randleman (Randolph County)
September 20, 1965	Clinton (Sampson County)
October 1, 1965	Mooresville (Iredell County)
October 1, 1965	North Wilkesboro (Wilkes County)
October 1, 1965	Wilkesboro (Wilkes County)
November 1, 1965	Blowing Rock (Watauga and Caldwell)
November 11, 1965	Reidsville (Rockingham County)
December 1, 1965	Taylorsville (Alexander County)
December 1, 1965	Warsaw (Duplin County)
December 13, 1965	Rockingham (Richmond County)
March 1, 1966	Wallace (Duplin County)
April 15, 1966	Kenansville (Duplin County)
May 15, 1966	Faison (Duplin County)
December 12, 1966	Lillington (Harnett County)
July 11, 1967	Louisburg (Franklin County)
September 1, 1967	Brevard (Transylvania County)
September 27, 1967	Rowland (Robeson County)
October 2, 1967	Sylva (Jackson County)
October 9, 1967	Waynesville (Haywood County)
November 1, 1967	Pembroke (Robeson County)
November 4, 1967	St. Pauls (Robeson County)



December 1, 1967	Gastonia (Gaston County)
December 4, 1967	Concord (Iredell County)
December 9, 1967	Waccamaw (Columbus County)
December 11, 1967	Lincolnton (Lincoln County)
December 12, 1967	Coats (Harnett County)
December 19, 1967	Whiteville (Columbus County)
December 20, 1967	Chadbourn (Columbus County)
December 21, 1967	Mt. Pleasant (Avery County)
January 25, 1968	Fair Bluff (Columbus County)
February 1, 1968	Brunswick (New Hanover and Bladen)
February 17, 1968	Bolton (Columbus County)
July 11, 1968	Maxton (Robeson County)
March 3, 1969	Norwood (Stanly County)
July 1, 1969	Garland (Sampson County)
November 3, 1969	Montgomery-Municipal
November 24, 1969	Bessemer City (Gaston County)
November 24, 1969	Madison (Rockingham County)
December 6, 1969	Angier (Harnett County)
April 11, 1970	Sunset Beach (Brunswick County)
November 6, 1970	Fairmont (Robeson County)
April 15, 1971	Andrews (Cherokee County)
August 1, 1971	Youngscille (Franklin County)
September 3, 1971	Black Mountain (Buncombe County)
October 1, 1971	Newton Grove (Sampson County)
October 13, 1971	Pittsboro (Chatham County)
January 15, 1972	Lexington (Davidson County)
April 1, 1972	Yaupon Beach (Brunswick County)
August 6, 1973	Red Springs (Robeson County)
December 1, 1973	Statesville (Iredell County)
July 1, 1975	Dobson (Surry County)
August 1, 1975	Shelby (Cleveland County)



CRAM'S  
 8 1/2 x 11 Outline Map  
 North Carolina

SCALE  
 0 10 20 30 40 50 MILES

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MAP NO. C0831-NORTH CAROLINA

APPENDIX G

(Compiled With APO Stores - 1977)

## APPENDIX H

### A Survey of the Percentages of Votes Cast for Prohibition and 1923 Senate Vote on the Turlington Act<sup>1</sup>

This appendix provides a means of comparing the support given the general prohibition elections in North Carolina and the only type of specific vote in 1923, the Senate roll call vote on the Turlington Act. The support given the Turlington Act in 1923 is indicative of the growing popularity of prohibition after the failure of the 1881 election. From the beginning of the last decade of the nineteenth century through the 1928 election, prohibition supporters held power in politics. The results of the elections in North Carolina from 1881 through 1908 to the vote against a Repeal Convention in 1933 shows North Carolinians' steady growth of support for prohibition.

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<sup>1</sup>Compiled from data provided in R. D. W. Connor (comp. and ed.), A Manual of North Carolina . . . 1913, (Raleigh: North Carolina Historical Commission [State Department of Archives and History], 1913), 1019-1020, and North Carolina Manual, 1935, (Raleigh: State of North Carolina [issued biennially 1903 to present]), 112-113, and Journal of the Senate of North Carolina, 1923, 228.

APPENDIX H - PART 1

A Survey of the Percentages  
of Votes Cast for Prohibition

Counties Districts (1923)	1881 Election % of Votes for Prohibition	1908 Election % of Votes for Prohibition	1933 Election % of Votes for "No Convention"
Alamance (16)	24	69	76
Alexander (28)	34	49	90
Alleghany (29)	06	33	44
Anson (19)	26	68	97
Ashe (29)	17	65	86
Avery (30)	-- <sup>1</sup>	-- <sup>1</sup>	83
Beaufort (2)	22	61	46
Bertie (3)	09	54	68
Bladen (10)	18	82	87
Brunswick (16)	17	57	72
Buncombe (31)	48	88	94
Burke (28)	22	69	81
Cabarrus (20)	40	52	70
Caldwell (28)	22	66	81
Camden (1)	13	45	55
Carteret (7)	29	61	67
Caswell (16)	08	38	66
Catawba (25)	40	65	77
Chatham (13)	28	67	86
Cherokee (33)	51	93	76
Chowan (1)	17	59	54
Clay (33)	53	94	90
Cleveland (27)	50	92	86
Columbus (10)	18	54	72
Craven (7)	17	51	36
Cumberland (10)	31	62	69
Currituck (1)	26	74	32
Dare (2)	39	99	57
Davidson (18)	21	55	84
Davie (24)	22	65	88
Duplin (9)	24	50	73
Durham (16)	17	40	50
Edgecombe (6)	10	45	30
Forsyth (22)	23	71	74
Franklin (6)	16	50	63
Gaston (26)	45	76	79

<sup>1</sup>Avery County was formed in 1911 from Mitchell, Watauga and Caldwell counties.

Counties	Districts (1923)	1881 Election % of Votes for Prohibition	1908 Election % of Votes for Prohibition	1933 Election % of Votes for "No Convention"
Gates	(1)	11	57	74
Graham	(33)	39	79	75
Granville	(15)	20	64	68
Greene	(7)	22	68	79
Guilford	(17)	30	65	69
Halifax	(4)	09	59	40
Harnett	(12)	13	52	72
Haywood	(32)	49	96	67
Henderson	(27)	28	86	74
Hertford	(1)	13	72	75
Hoke	(12)	-- <sup>2</sup>	-- <sup>2</sup>	74
Hyde	(2)	21	82	78
Iredell	(25)	35	69	82
Jackson	(32)	20	96	72
Johnston	(8)	10	34	69
Jones	(7)	07	60	55
Lee	(13)	-- <sup>3</sup>	87	82
Lenoir	(7)	17	64	50
Lincoln	(25)	37	86	88
Macon	(33)	32	92	80
Madison	(30)	44	93	83
Martin	(2)	06	36	37
McDowell	(27)	33	85	81
Mecklenberg	(20)	38	73	57
Mitchell	(30)	49	97	87
Montgomery	(18)	25	54	88
Moore	(12)	31	69	71
Nash	(6)	07	50	56
New Hanover	(9)	31	47	31
Northampton	(3)	18	78	88
Onslow	(7)	09	28	42
Orange	(16)	23	40	62
Pamlico	(2)	23	54	65
Pasquotank	(1)	25	51	39
Pender	(9)	16	61	60
Perquimans	(1)	19	50	66
Person	(15)	09	45	58

<sup>2</sup>Hoke County was formed in 1911 from Cumberland and Robeson counties.

<sup>3</sup>Lee County was formed in 1907 from Moore and Chatham counties.

Counties	Districts (1923)	1881 Election % of Votes for Prohibition	1908 Election % of Votes for Prohibition	1933 Election % of Votes for Prohibition
Pitt	(5)	14	68	46
Polk	(27)	24	80	84
Randolph	(12)	28	73	90
Richmond	(18)	30	61	71
Robeson	(11)	32	87	78
Rockingham	(17)	12	52	64
Rowan	(21)	18	57	65
Rutherford	(27)	26	79	87
Sampson	(9)	26	62	85
Scotland	(18)	-- <sup>4</sup>	92	77
Stanly	(19)	27	44	83
Stokes	(23)	07	39	82
Surry	(23)	13	45	78
Swain	(33)	36	85	76
Transylvania	(32)	53	68	64
Tyrell	(2)	10	36	59
Union	(19)	34	73	75
Vance	(14)	22	65	51
Wake	(13)	22	44	56
Warren	(14)	14	63	53
Washington	(2)	08	53	52
Watauga	(29)	24	88	79
Wayne	(8)	17	53	69
Wilkes	(24)	12	33	69
Wilson	(6)	14	67	38
Yadkin	(24)	23	37	89
Yancey	(30)	60	99	92

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<sup>4</sup>Scotland County was formed in 1899 from Richmond County.

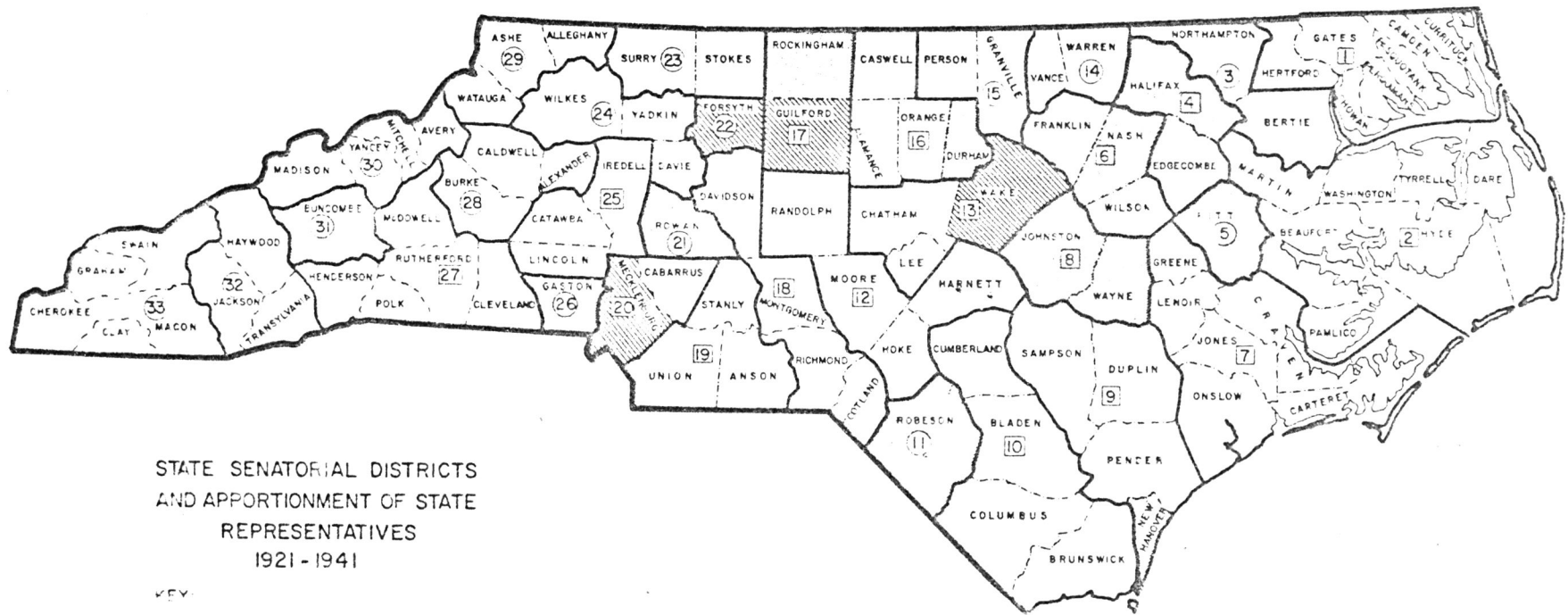
APPENDIX H - PART 2

1923 Senate Vote on the Turlington Act

<u>District</u>	<u>Senator</u>	<u>Vote (Affirmative unless otherwise stated)</u>
1	Costen	
1	Williams	
2	Johnson of Beaufort	
2	Stubbs	Negative
3	Castelloe	
4	Jones of Edgecombe	
4	Long	
5	Everett	
6	Harris of Franklin	
6	Moss	
7	Hargett	
7	Tapp	Negative
8	Grady	
8	Parker	
9	Bellamy	
9	Johnson of Duplin	
10	Brown of Columbus	
10	Ruark	
11	Varsar	
12	Baggett	
12	McDonald	
13	Griffen	
13	Harris of Wake	
14	Jones of Warren	
15	Hicks	
16	Ray	
16	Wilson	
17	Brown of Rockingham	
17	Mendenhall	
18	Bennett	
18	Harrison	
19	Boyette	
19	Heath	
20	Armfield	
20	DeLaney	
21	Woodson	
22	Sims	
23	Haymore	
24	White	
25	Graham	
25	Jurney	



<u>District</u>	<u>Senator</u>	<u>Vote</u> (Affirmative unless otherwise stated)
26	Woltz	
27	Giles	
27	Lattimore	
28	Squires	
29	Jones of Alleghaney	
30	Hodges	
31	Ebbs	
33	Walker	







STATE SENATORIAL DISTRICTS  
AND APPORTIONMENT OF STATE  
REPRESENTATIVES  
1921 - 1941

KEY:

-  1 SENATORIAL DISTRICT
-  2 SENATORIAL DISTRICT

-  COUNTY WITH 2 REPRESENTATIVES
  -  COUNTY WITH 3 REPRESENTATIVES
  - ALL OTHER COUNTIES HAD  
1 REPRESENTATIVE EACH
- |     |
|-----|
| 84  |
| 100 |

SOURCES: PUBLIC LAWS 1921, cc 144, 161

Drawn by Charles Nakamura, Institute of Government, Chapel Hill

## APPENDIX I

### 1923 State Senatorial Districts

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