

Prohibition is usually mentioned as the cause of the sale of Schuetzenpark as it was made financially unsustainable. To explore this, I looked into the history of prohibition in Iowa and related activities of the Davenport Schuetzengezelleschaft (DSG).

Two major issues of concern to German-Americans of the 1800's were prohibition and blue laws (laws banning certain activities on Sundays). The Germans liked to have their celebrations or 'fests. Beer was an important part of their 'fest. They also liked to have their celebrations on Sundays, which scandalized the Non-German Protestants.

Respecting the attitude of the "English" (non-Germans) towards Sundays, the Davenport Germans did not cross Brady Street with their Parades on Sunday. The German area of town was west of Brady while the area east of Brady was "English." (_____) This did allow the Germans to parade from Turner Hall at Third and Scott Streets to Schuetzenpark, as it was not necessary to cross Brady.

When "prohibition" or "temperance" are mentioned, it is normal for us to think of national prohibition that came into effect with the 18th Amendment to the US Constitution in January 1919 and the Volsted Act in 1920. However, Iowa has a history of prohibition since it's territorial days.

THE BEGINNINGS OF PROHIBITION

Robert Lucas, the first Governor of the Iowa Territory was an ardent supporter of the temperance movement, as were his appointees. Meetings of temperance groups were held in Iowa in the 1830's. The temperance movement was well entrenched when the large influx of German immigrants began in the early 1850's. Certainly there were Germans in Davenport before this, but the large influx began with the failed struggle for liberty in Germany in 1848-50.

In January 1855 the legislature passed "An act for the suppression of intemperance" This act prohibited liquor but allowed that homemade cider and wine could be sold in quantities of "not less than 5 gallons" and liquor from other states could be imported "in its original packages". This was passed by a statewide special election in April of that year. At this time the influx of German immigrants had not been going long enough that significant numbers of the German immigrants had achieved citizenship or voting status.

In 1858 as a concession to the growing German population, the state amended the law to allow the “manufacture and sale of beer, cider from apples or wine from grapes or other fruits grown in the state.”(p86) (Johnson p49) The law in Iowa into the 1870’s remained generally as amended in 1858.

During the Civil War all issues not related to war were set aside: temperance was not an active issue. German-Americans were passionately anti-slavery so they volunteered for the Union army in large numbers. The passion on the part of many Germans may have been a continuation of the fight for Liberty they had begun but had not been able to complete in Germany. To the German-Americans prohibition and blue laws (regulation of activities on Sundays) were infringements on Liberty.

German-Americans aligned strongly with the Republican Party during the Civil War, since the Republican Party was the anti-slavery party. There were suggestions that the Republican Party of Iowa adopt temperance as a part of its Platform in 1860, but the attempt was dropped to secure the support of the German-Americans. The Democrat party was divided into factions with varying positions on slavery.

After the Civil War the Republican Party of Iowa had a faction that favored prohibition and a faction that did not, or at least was not as ardent. During this time the Republican platform was favorable to prohibition to varying degrees. The Democrat Party usually favored a local option on the sale of alcohol with high license fees for saloons where they were allowed.

The position of the Republican Party regarding temperance was a disappointment to the German-Americans. A number of the leading German-Americans either switched parties or became inactive in party politics when temperance became the dominant issue in the late 1860’s after the Civil War.

CONSTITUTIONAL AMENDMENT OF 1882

The procedure to amend the Iowa constitution was and still is for two consecutive assemblies of the legislature to pass the proposal and for the voters statewide to vote. In 1880 and 1882 the legislature of Iowa passed a proposed amendment to the Iowa constitution that prohibited all alcohol. This was submitted to the citizens to vote in a special election on Tuesday June 27, 1882. The election passed the amendment 155,43 to 125,677. Seventy-five counties favored the amendment, twenty-three opposed and one county was a tie. (Clark)

The counties with the most prominent schuetzenverein, Dubuque, Clinton, and Scott, all voted very strongly against the amendment. They also all had large populations of German-Americans. A statistical analysis (ANOVA) of the election results shows that the most important factor in whether the amendment passed or failed in a particular county was the fraction of the population of German descent. (_____)

In October 1882, (Clarkp529) after passage of the amendment, Koehler and Lange Brewery of Davenport filed a lawsuit against John Hill. Koehler and Lange had delivered to Hill an amount of beer. Hill maintained that beer was not legal under the constitution and he could not be forced to pay for an illegal product.

John Hill was the proprietor of the restaurant and saloon at Turner Hall in Davenport and was well regarded in the community. (Johnson p37) He was an active member of the DSG having joined in 1870. Hill served on a committee organizing part of the Koenigfest in 1878 and was vice president of the DSG in 1885 and 1886. There was a Lange mentioned as a part of a Koenigfest committee of the DSG in 1878 but that may or may not be the same as the brewer.

Koehler and Lange contended that the amendment was not passed in the same form in both sessions of the legislature, so the amendment was not valid. Of course, the real reason for the lawsuit was to get a ruling on this issue. The case was heard in district court by Judge Walter I. Hayes, who ruled that the amendment was not valid, therefore the court ordered payment. The case was appealed to the Supreme Court of Iowa and was argued by the most prominent lawyers in the state. The Supreme Court heard the case in December 1882 in Davenport and issued a ruling on January 18, 1883 upholding the ruling of the lower court, thereby voiding the amendment by a vote of 5 to 1.

PROHIBITORY LAW OF 1884

Surprisingly, the temperance forces did not seek to immediately pass another amendment to the constitution. However in the next meeting of the general assembly (1884) the legislature enacted laws prohibiting the manufacture, transport, or sale of liquor. These laws went into effect July 4, 1884. Prohibition was then the law of the State of Iowa. Enforcement was another matter. In the large cities enforcement was difficult or non-existent.

In Dubuque and Sioux City the law was ignored. Council Bluffs passed an ordinance that any saloon operating in the city would be fined \$50 per month, (\$600 per year). License fees for saloons in other states were typically \$500 to \$1,000 per year. The city council of Sioux City rejected a similar ordinance because “it would provide no protection to the saloonkeepers.” In Davenport, Burlington, and Keokuk instead of ordering “beer” a customer would order “mum.” In Clinton the saloons served “hopinine.” According to the Des Moines Leader “while the saloons are apparently closed, two carloads of beer are received and sold daily in Des Moines.” (SCJ 7/30/1884 p1c3)

The Des Moines Tribune later recalled:

Then a prohibitory law was enacted, and under that law the state experienced a reign of terror. Bootlegging was common; “blind pigs” and holes in the wall flourished on every hand; official outrages of various kinds were committed; murders growing out of attempted enforcement of the law were numerous; shrewd justices of the peace and constables waxed rich from outrageous prosecutions; private homes were invaded by alleged officers, and conditions assumed the status of a rebellion. (DMT8/28/1907p4c1)

MULCT ACT

Largely because of the party’s position on prohibition, the Republican Party of Iowa lost the Gubernatorial elections in 1889 and 1891 and was in danger of losing control of the legislature. Due to these political pressures on the Republican Party and the difficulty of enforcing prohibition where the population did not support it, the Republican Party of Iowa changed its position on Prohibition. In 1893 the platform of the Republican party of Iowa was changed to state that “prohibition was never said to be a real test of republicanism.” On a national basis this was certainly the case, as the party’s position on prohibition varied widely among the states. In Iowa it was an important change of position.

The Mulct Law was passed by the Iowa legislature in 1894. This law provided, in effect, a local option to allow saloons. “The prohibitory law was not repealed, but it was provided that it might be violated upon consent of a certain percent of the people of a given community and the payment of a certain sum of money.” (Clark46)(D&L__1907)

The procedure under the Mulct law was that the prospective saloonkeeper would circulate a petition and get a certain number of signatures approving his operating the saloon. The Mulct law also set a number of other operating restrictions. Enforcement was local. Any citizen could file a civil case against a saloon violating conditions of the act and get injunctive relief closing the saloon as a nuisance or setting conditions on its continued operation.

LEGISLATIVE ACTIVITIES OF 1906

1906 was a very active year for temperance forces in the Iowa Legislature. Several changes in law were proposed. Among these was a law that would ban any saloon from operating within 200 feet of a public park. (SCJ _____) This would have affected Schuetzenpark and Suburban Park in Davenport, and amusement parks in other river towns. All had Inns selling beer. The measure did not get out of committee

The temperance movement also sought to take enforcement out of the hands of local authorities, who in many communities would not do it. Instead regional Marshals would enforce the Mulct Act. Over 400 "Marshal Clubs" had been established by the temperance advocates throughout the state to encourage the passage of such a law. The law was defeated in the House of the Iowa legislature in February 1906 to the bitter disappointment of the temperance forces. (SCJ _____)

Another measure that was proposed would have prohibited playing baseball, operating a theater, or other amusements on Sunday. This measure was originally introduced as a result of 14 petitions received by the legislature, requesting that the playing of baseball on Sunday be prohibited. Twelve of these petitions were referred to the House Committee on Police Regulation. One of the petitions was referred to Committee on Federal Relations, since the petition involved the "national game." The last was referred to the House Fish and Game Committee, "since baseball is a game." (SCJ2/9/1906col3)

The temperance forces, anticipating trouble in the House, moved the action to the Senate. (_____) The Senate on February 28, 1906 passed a bill to prohibit on Sunday "any theatrical or operatic performance, athletic exhibition or concert of any description for which any compensation or other reward is directly or indirectly charged." (SCJ 3/1/1906p3c1) This measure would have directly affected the DSG as all matches were held on Sunday, had entry fees, and awarded cash prizes. The ease of passage in the Senate seemed to indicate that it would easily pass the House as well. (SCJ__1906)

At its regular monthly meeting of March 6, 1906 the Davenport Schuetzengezelleshaft circulated a petition to be sent to the legislature protesting the closing of theaters and other places of entertainment on Sundays. (D464) Many other organizations on both sides of the issue did the same. Among the strongest of the protesters were the baseball fans and organizers.

There were at that time three professional baseball leagues with teams in Iowa. These leagues were the Western League (Sioux City and Des Moines, and other teams in Nebraska and Colorado), the Three I League, (Dubuque, Cedar Rapids, and Davenport in Iowa and other teams in Illinois and Indiana) and the Iowa League (8 teams in Iowa). The President of the Western League, who was the owner of the Sioux City Packers baseball team, was in Des Moines to tell the legislature that the proposal would likely end professional baseball in Iowa, and possibly mean the end of the Western League. In Sioux City half of the paid attendance came on Sunday. Eliminating Sunday games would be a financial disaster for the team. (SCJ__)

The Senate, realizing they had stirred up a hornet's nest, moved to reconsider. On March 6, 1906, the House returned to the Senate, at the Senate's request, the anti-Sunday and the Smith liquor petition-of-consent bills for reconsideration by the Senate. The bills were then referred to a committee with a chairman who was not favorable to their passage. (SCJ3/7/1906p3c3) The Smith Liquor Petition bill would have had all petitions of consent for saloons expire after 5 years. A saloonkeeper would then have to file a new petition to stay in business. To that time, the petition-of-consent, once on file with the county recorder, would not expire.

After this flurry of legislative activity, in August 1906, the German-American societies and organizations of Davenport formed a Deutsche-American Central Bunde. On August 6, 1906, the DSG joined and paid dues of \$7.20 to the Bunde. Five temporary delegates were named: Dr. Matthey, John F Bredow, Ed Berger, Chris Jansen, and Ernst Wilckens. (D476) These temporary delegates were made permanent the following month. (D478) Dues were also paid and delegates named in March 1907 and February 1908. (D488, D505) The delegates of the member organizations met quarterly to run the business of the Bunde.

1907

The mechanism for enforcement of the restrictions of the Mulct act was for a citizen to sue in court for an injunction against the offending saloon. The injunction would close the saloon or state the conditions that the saloon must meet to remain in operation. These could be more or less strict than the conditions set out in the Mulct act. If the saloon did not follow the terms, the citizen was to file for another injunction to order the saloon closed. This method of enforcement had been used with some regularity, normally one saloon at a time. The temperance forces, having been rebuffed by the legislature in establishing Marshals to enforce the Mulct act provisions, began to use the act on a large-scale basis, filing injunctions against all the saloons in a given community at one time.

One of the early actions of this nature was in Council Bluffs, where a temperance lawyer filed for injunctions against all the saloons in that City in January 1907.

In Dubuque, after first saying that Sunday closings would be enough to satisfy him, Bishop Keane was ignored. Therefore he demanded full enforcement of the Mulct Act. (D&L4/22/1907p1)

An injunction was issued that required Dubuque's saloons to close on Sundays, election days, and Christmas and to close at 11:00PM weekdays. These conditions were in line with the provisions stated in the Mulct Act. The first dry Sunday in Dubuque was June 16, 1907

It was a unique experience for a city that never witnessed the slightest observance of the liquor laws of the state and as a result those thirsty denizens who had not laid in a stock of beer and other liquid refreshment of a like nature migrated across the river to East Dubuque, IL or Kimble's Park, a resort in Wisconsin. At the latter place it is estimated that over 5,000 people visited during the day and before the afternoon was over the supply had been exhausted with no chance to replenish it. (SCJ 6/17/1907)

In Muscatine the president of the county anti-saloon league filed petitions for injunctions against every saloon in Muscatine on July 24, 1907. (D&L7/24/1907p10)

IN DAVENPORT

In Davenport the situation was more complicated. A separate controversy was already churning. The two breweries in town, Independent Malting Company and Davenport Malting Company were vying for exclusive rights to the various saloons.

If a saloonkeeper did not agree to pour one company's brew exclusively, he might find that when his lease was up, he was outbid for the lease and someone else was moved in supported by one of the local breweries. Alternatively the building might be bought by the brewer and the lease terminated and given to someone else when the term ran out. The saloonkeepers complained of the "undesirable class of citizens that the breweries were setting up in business. (D&L7/31/1907p11) The breweries leased the property month to month and allowed the leasees to pay the Mulct tax monthly or even daily. The other saloonkeepers maintained that the saloonkeepers set up by the breweries did not have any investment in the business and therefore had no incentive to run a "respectable" establishment.

The breweries maintained they had to do this to protect their turf from the great breweries in Saint Louis, Milwaukee, and Chicago. The local brewers contended that the outside brewers were trying to get control of the same properties. ()

T.H. Kemmerer as plaintiff and his attorney, Captain C. W. Neal, filed actions against every saloon in Scott County. It was rumored that they had anonymous backers, saloonkeepers or other businessmen, in the community. Several prominent businessmen later vehemently denied rumors of their involvement. Saloonkeepers might have been involved in an attempt to force out the saloons that were started by the breweries.

First, on August 3, Neal filed against a group of 25 saloons in Davenport and 2 in Walcott, but soon he filed against all 240 saloons in Scott County and the wholesalers as well. The saloons at Central Turner Hall and Northwest Turner Hall were included, as was the Inn at Schuetzenpark.

At a mass meeting of the saloonkeepers, a committee was formed to negotiate terms with Neal on behalf of all of them. Much of the negotiations were conducted at Mercy Hospital for the Plaintiff's attorney, Neal, was there for an undisclosed ailment.

As negotiations proved fruitless, and as the date for the hearings approached, the Deutscher-American Verein, the association of German-American clubs and societies formed in 1906 called for all its member societies to join in a demonstration.

MONSTER DEMONSTRATION

The demonstration was held on August 15, 1907 at 8:00 o' clock PM. A parade formed at Turner Hall at Third and Scott Streets. It was estimated that 5,000 people participated in the parade, and "further thousands cheered them on along the way."

The parade;

...was lead by a band of 150 musicians, the largest number ever assembled in one band in Davenport. These musicians donated their services and they were glad to do so, as they feel the Sunday closing movement if enforced in Davenport, would place a great hardship on them. To the tune of Stars and Stripes forever and amidst the deafening applause from the thousands congregated around Turner hall the procession was begun. Following the band came the Davenport Turners, 600 strong. With them they had the Turner Drum Corps. No less than 27 different societies were represented in the line of march. The route was from Turner Hall south on Scott street to Second, east on Second to Brady, north on Brady to Third, east on Third to Perry, north on Perry to Fourth, west on Fourth to Western avenue, and south on that thoroughfare to the place of speaking at Washington square.

(DD&L8/16/1907p4)

The Democrat and Leader called the parade orderly and respectable,

There was no attempt, not even of the slightest nature of radicalism or intimidation. Not a word, harsh or otherwise, was heard against either Mr. Kemmerer or Mr. Neal, the parties who have instituted the present injunction suits against every saloon in Scott County. (DD&L8/16/1907p4)

When the parade arrived at Washington Square, the crowd swelled to an estimated 10,000. Those assembled heard speeches delivered by George T Baker, ex-Mayor C. A. Ficke, Mayor Waldo Becker, Justice W. R. Maines, Alderman John B. Ogden, Claus J Raymann, and Gustav Donald. Only the last speech was delivered in German, the rest in English. The common theme of the speeches was that the Sunday closings infringed on Liberty. Reasonable regulation of saloons was acceptable and expected.
(DD&L8/16/1907)

Although the demonstration was certainly impressive in size, the numbers of participants perhaps might be open to consideration. The population of Davenport at the time was approximately 32,000. To get a demonstration of 10,000 would have been impressive indeed. There would have to have been substantial numbers from outside of Davenport, and from more than just the German-American population. The total membership of the Central Turner Association was approximately 600 at the time. The estimate of "600 strong" would have required all the members of the Central Turners. Perhaps since the Democrat and Leader referred to the Davenport Turners, they were including the other Turner Associations in their numbers, though to the Turners, the issue may well have been important enough to get near unanimity.

After the demonstration, negotiations between the committee of saloonkeepers and Captain Neal continued, to little avail. Finally just before the deadline, they reached an agreement. Injunctions were issued against all saloons in Scott County on _____. The conditions in the injunctions followed the Mulct Law in most respects, however the agreement required saloons to close at 10:00 PM vs. 11:00 stated in the act, and required the saloons to be closed until 2:00 on Sunday. There was some note that the agreement did not say specifically whether the 2:00 was AM or PM, but no saloonkeeper attempted to take advantage of this technicality; all closed until 2:00 PM on Sundays. Neal did say that he would agree to an 11:00 closing, if the committee would agree to allow him to select some saloons to be closed permanently. The committee decided they were not authorized to consent to have some saloons treated differently than others, so they could not agree to that.

The 2:00 PM Sunday opening was a major concession, however, since the Mulct Law called for Sunday closings. So it was that in all of Iowa, after 1907 it was only in Scott County that any alcoholic beverage could be bought or sold on Sunday. Although by the terms of the agreement, women and children were prohibited from saloons, this was modified to allow women to be served wine or beer with their meals at restaurants, such as at Turner Hall or at Schuetzenpark in the restaurant part of the establishment, but not in the bar.

PROHIBITION IS IMPOSED

In 1909, the Moon law was passed in the Iowa Legislature. Named after State Senator Edwin G. Moon, who proposed a similar law, this law was passed to reduce the number of licensed saloons in each county to no more than 1 saloon per 1000 population. This law was to become effective March 1, 1910 and to reduce the number of saloons in 3 steps, with the last step in 1912.

Davenport and Dubuque had been incorporated by special acts of the legislature in the early days of the territory, rather than under general law of the State as are most other cities in Iowa. Their special charters allowed those two cities to escape the effects of the Moon Law. There were other special charter cities, but they had prohibited saloons locally. In 1913 an act was passed by the legislature that even in those two cities, Davenport and Dubuque, the number of saloons were to be reduced to no more than one per thousand residents by July 1, 1915 (Clarkp55).

In early 1915 the legislature repealed the Mulct law provisions that allowed licensing of saloons. The law was to become effective January 1, 1916. Thus the law in 1916 was as it had passed in 1884 that prohibited "alcohol, ale, wine, beer, spirituous vinous and malt liquor." (Clark61) Also in 1915 both Chambers of the legislature passed a prospective amendment to the Iowa Constitution that would prohibit alcohol.

On January 3, 1916 John Hill and two other Davenport saloonkeepers initiated a test of the law by opening his saloon and selling beer to two agents of the sheriff. A similar test was announced in Keokuk on January 4 but not implemented until January 10. On the 10th "a thirsty crowd of 400 men witnessed the first sale of liquor made since the Mulct law repeal." (SCJ Jan 11, 1916 p1c3) The law was eventually upheld by the courts.

The Moon law and the similar law passed in 1915 would have had no effect on Schuetzenpark unless the Inn was one of the saloons cut in the reduction of numbers. That would have been unlikely given the prominence of the park in Davenport society. January 1, 1916 is the earliest that Schuetzenpark would have been affected by prohibition.

SCHUETZENPARK LEASE

On July 6, 1915 the Davenport Shooting Association held a special meeting to ratify the action of the Board of Trustees extending the lease of Schuetzenpark to Chas, P Shaffer. The first term of his lease had just expired. Evidently the park was profitable enough at that at that time that Shaffer would want to continue operating the Park. However, on December 5, 1916, after one year of prohibition, Shaffer notified the trustees that he was canceling his lease as of April 30, 1917, giving the requisite 4 months notice. (D123)

April 1917 was Shaffer's last month as leaseholder and manager of Schuetzenpark. Having advertised for and found a new manager, the trustees had prepared a lease for Steve Miller to sign. However, prior to signing the lease, Miller withdrew. On May 8, 1917 the trustees leased the park to Tobias (Tobe) Watkins. Watkins was a well-known shooter, and an outstanding shot. Watkins was a member of the Davenport Shooting Association, and other times a member of one of the Saint Louis clubs. The minutes indicate that the lease to Watkins was "free of rent." However, later entries indicate receipts of varying amounts from Watkins and requests that he pay his agreed rent amounts. Perhaps the deal was for a share of the proceeds rather than a set monthly amount. The terms of the lease are not stated in the minutes.

In 1917 the temperance forces secured the passage of the prohibition amendment to the Iowa constitution that was previously passed by the Iowa Legislature in 1915. The amendment passed both houses of the legislature without much trouble either time. This amendment was submitted to the voters on October 15, 1917 and was defeated. Analysis of the election results shows that, as with the amendment of 1884 the strongest indicator of whether a county voted against the amendment was the proportion of population of German descent.

The 18th Amendment to the Constitution of the United States allowing the US Congress to prohibit alcohol was passed by both Houses of Congress overwhelmingly in 1917 and achieved ratification by three-fourths of the states on January 16, 1919. The Volstedt Act, which enacted prohibition into law was then quickly adopted by Congress and became effective on January 16, 1920, the earliest date allowed by the amendment.

PARK TRANSFER PROPOSAL

At the monthly meeting of the Association on November 19, 1918, a proposal was adopted to transfer Schuetzenpark, Forest Park as it was then called, to the City Park Board "under certain conditions." In January 1919, the Secretary reported that he had made the proposal to the park board, but that no official notice had been taken. In March, the secretary reported that he approached the attorney for the Park Board and that the proposal was favorably received. The association appointed a committee to negotiate with the Park Board. In May the committee reported that the conditions were not satisfactory to the Park Board. In October 1919 the committee requested to be released from their charge, as no agreement was likely.

It would seem to have been easy for the Davenport Park Board to accept Schuetzenpark, however, there were the conditions. The conditions are not stated in the minutes but the later sale of the park gives clues as to what the conditions might have been. It is likely that the club would have maintained use of the rifle range, as they did until the later sale was completed. There were also liens against the property. Each of the life member certificates constituted a lien: there were 85 of these at \$100 apiece. These liens would have had to be paid off by the Park Board, as the club had very little money. There was an assessment for a sewer extension to the park, which also amounted to a lien that would have to be satisfied prior to sale. With the independent status of the Park Board in the City of Davenport, the assessment would have had to be paid by transfers within the City's departments. Additionally, Tobe Watkins had a lease to manage the park: that contract would have to be honored or bought out.

On February 3, 1920, the membership of the DSA unanimously passed a resolution stating that the Park should be sold "at a minimum of \$50,000 Net, subject to the lease."(D184) No buyer was found until two years later. On March 20, 1923 the trustees voted to sell the park on a contract for sale for \$35,000. (T151) The DSA retained the use of the range until the contract was paid off.

On May 2, 1923 the trustees approved "A motion to allow the Chiropractic Sycopathic (sic) Co. to make the necessary alteration at Forest Park Inn & Bowling alley to carry on their business, provided they deposit one thousand dollars as payment on the transfer of Forest Park to them." (T155) The conversion of Schuetzenpark was begun, and the park was closed. The lease contract was bought out as a part of the contract for sale. As payments were made on the sale by the Sanitarium, the Association paid off the sewer assessment, a paving assessment, the life member certificates, and a loan from Chas W Ranzow. The range would remain in use until 1938 when the sale was completed.