

It's a fact!

As of Aug. 28, 1992, a total of 5,003 liquor licensees were spread throughout the state of Minnesota.

For awhile in 1852, there were none.

That's because the Territorial Legislature, struck with the national fever of temperance reform, agreed to let the citizenry vote to outlaw the manufacture and sale of "spirituous or intoxicating liquors." The proposal said only "public agents" could sell booze. Most saloonkeepers didn't qualify.

In April 1852, territorial citizens voted 853 to 662 to outlaw intoxicants.

Violators faced a \$25 fine, (that's \$408 in 1991 dollars), or imprisonment, or both. The penalty could have been tougher. One legislator, Rep. Mahlon Black of Stillwater wanted a standard penalty — death. Only two of his colleagues agreed, however, and his amendment was defeated.

After the referendum passed, (perhaps out of fear of Black) "Stillwater obeyed the mandate and closed its saloons, but the law was practically ignored elsewhere," wrote Theodore Christianson in *Minnesota: The Land of Sky-Tinted Waters*.

A few months later, Andrew Cloutier, decided to "defy the will of the people," and enjoyed a bit of prohibited drink.

He was slapped with a \$25 fine, but appealed the penalty to the Territorial Supreme Court.

The court threw out the law, ruling that a law passed by referendum was meaningless

because the U.S. Congress had vested the legislative powers of the territory only in the House and the Council, (then the Senate equivalent) — not in the citizens of the territory.

Many public hearings were held "to agitate for the reenactment of the law," wrote William Folwell, in *A History of Minnesota*, but the efforts were unsuccessful.

In Minnesota today, there are 2,025 on-sale liquor licensees, 754 off-sale, 1,185 on-sale/off-sale combination licensees, 574 club licenses, and 465 owners of wine licenses.



Rep. Mahlon Black

Photo courtesy Minnesota Historical Society

Transportation (MnDOT) for more than \$50,000, members were told March 3.

Nancy Moses, president of the Sibley House Association, said that the historic Mendota Heights home of Minnesota's first governor, Henry Sibley, could be damaged by vibrations caused by nearby highway construction that is to begin later this year. MnDOT agreed that damage to the structure and the original furnishings inside is possible, Sibley House counsel said.

But MnDOT says it doesn't have the money to pay for "preventative costs" demanded by Moses and others. She said the parties hoped to come to an agreement before litigation became necessary, and several members expressed a willingness to help negotiate a resolution.

Moses testified before the Economic Development, Infrastructure and Regulation Finance Committee.

While plowing through a 96-page bill (HF427) that would make technical, mostly non-controversial corrections to state tax laws, Rep. Steve Sviggum (IR-Kenyon) raised a concern over a provision buried in the sales and use tax section.

The section clarifies language that makes the sale of race horses subject to state sales and use taxes, but Sviggum wanted to make sure that it didn't apply to draft horses. Taxing draft horses, he told fellow Taxes Committee members March 2, would be unfair in light of other tax laws.

"Tell me the difference between a draft horse and a tractor," he asked Mike Boekhaus, director of the state Department of Revenue's legal division.

After a thoughtful pause, Boekhaus replied: "I know one when I see one."