Kansas Breweries
1854-1911

by Cindy Higgins

As technological innovations and people’s needs change, so do the manufacturing and marketing of goods. Gone are the harness makers and coopers. Improved products made their services obsolete. Modern society no longer needs cigar makers and chandlers. Mass production made their talents too costly. In Kansas, a law, not technology nor shifting consumer needs, ended an industry. The law was state prohibition of 1881; the industry: beer manufacturing.

Brewery closures caused Kansas to lose a manufacturing business that historian Everett Dick rated as the territory’s fourth largest industry by 1860.1 The industry grew to include over ninety brewery plants before state prohibition in 1881, over half of those established in the 1870s. In production and marketing, brewers used Kansas barley and wood and employed coopers, stonemasons, machinists, teamsters, bricklayers, painters, and wagon and harness makers. Financially crippled brewery owners, most of them German natives, had just cause to blame prohibition for their unreimbursed buildings and equipment losses. They fought in the courtroom to save their investments and to protect the liberties that they believed were guaranteed by the U.S. Constitution. Brewers across the United States later would look in despair to Kansas court decisions when they too faced financial ruin by national prohibition.

Once economically significant in cities such as Leavenworth, this all but forgotten Kansas industry deserves scholarly attention, especially when reviewing its cultural impact on Kansas residents, notably those of Germanic heritage, in the nineteenth century.

Cindy Higgins is a 1991 recipient of the Alfred M. Landon Historical Research Grant which she utilized to research the brewing industry in Kansas. Her research resulted in a 1992 publication, Kansas Breweries & Beer, 1854-1911, and this Kansas History article. Higgins is a resident of Baldwin, Kansas.

William Ederwein of Geff, Kansas, rests on a keg near a spring where bottled beer was placed to cool during the summer months at the turn of the century.
Beer Comes to Kansas

Determining the true count of Kansas breweries is difficult. One problem is that brewery plants often were bought and sold several times during their life spans and had name changes along the way. Another deterrent is that small and early breweries generated few records, and because of their alcoholic product, town chroniclers commonly deleted breweries from reference or gave them only passing note. Then again, some breweries operated illegally, as exemplified by Kansas newspapers reporting forty-one breweries in 1878 while the U.S. Internal Revenue counted thirty-four for the same year. By not obtaining permits and paying barrel taxes, these illegal breweries and their operating information were not included on industry or government brewery listings.

As to the exact number of breweries, sources differ in their counts. Otto Frederikson, in his thorough dissertation on Kansas liquor laws, found forty-six.
breweries and two distilleries in total. The often erroneous Register of United States Breweries, compiled from local and federal directories, lists fifty-three breweries in Kansas. Using these and other sources (including state and city business directories, local histories and state agricultural reports to identify breweries, with subsequent verification through plat maps, tax records, local newspapers and census data), the author has identified 119 separate breweries, sole proprietorships, partnerships, and corporations recorded as based in Kansas, and 93 commercial brewery plants.

Breweries in Kansas sprang up in bustling cities, speculative towns, along the westward trails (e.g., the town of Robinson on the California Trail), and at stagecoach stops—each brewery offering pasteurized beer far less intoxicating than grain alcohol and decidedly safer than water because the alcohol in beer killed bacteria. Beer plants, too, often were a fixture in Kansas’ German enclaves and fueled social events. Offering bowling lanes cut into a meadow, croquet, gymnastic equipment, dance platforms, shooting galleries and other amusements, German brewers typically sponsored family-oriented gatherings that also provided the cultural opportunity of music and dancing for all Kansans.

Germans and other beer aficionados drank their Kansas brew served up in pails, by the glass, or by the bottle in saloons. They drank at restaurants, holiday celebrations, community picnics, and on the street as the brewery teamster made his rounds and sold beer off the wagon in a manner similar to modern ice cream vendors. Hungry beer drinkers went to eating saloons where patrons ate at sumptuous buffets for no charge provided they bought beer to accompany the feast. (Leavenworth had fourteen of these eating saloons listed in the 1865 city directory, besides sixty-three other saloons). Another type of saloon was the beer-only saloon that, in German areas, was as family-oriented as the corner grocery. Lucille Kohler remembered that children in the German sections of St. Louis would dash to beer saloons Easter morning for the first of the bock, which “hailed the Risen Lord and the end of the Lenten season”.

We knew that while bock beer lasted pretzels would be free at all beer saloon counters, and patrons, moved to song, would grow hoarse in saengerfests. We knew that while bock beer lasted there would be many who would marry, some even for a second time; and second weddings were twice as much fun. We knew that with bock beer and pinochle the grown-ups would let the evenings stretch and give us our fill of games and peanuts. . . . After supper until dark we might follow a Little German Band from beer saloon to beer saloon in our neighborhood, listen to the singing, and reap pretzels and soda water. . . . Then came the day when the bung went out of the last keg of the mellowed brew at Hermann Klein’s saloon. The breweries had sent out warning that bock beer was near the end of its season.

A schooner of beer was also part of the fun at convivial Kansas beer gardens replete with swings, gravelled walks, fruit trees, flower beds, bowling, and dance bands. The garden’s ambience is suggested in the 1878 description of St. Louis beer gardens by J. A. Dacus and James Buel:

In the summer time, Sunday afternoons and evenings in the beer gardens would give a stranger an excellent impression of the social freedom and politeness of large numbers of our valuable citizens. Every one of these evenings are genuine republican reunions—the people meet on a level, and conversation is general and free. In some of these gardens thousands of men, women, and children, may be seated about tables sipping beer, eating pretzels, smoking, talking, and listening to the band as it discourses grand marches, etc. They look happy—they must enjoy life in this way.

Percy Ebbut in Emigrant Life in Kansas wrote of more rustic gatherings at grove picnics outside Manhattan when telling about his friend John Hardy’s weekend entertainments:

Hardy, though, used to go very often on Sundays to some German beer gardens in the woods near town, where all sorts of amusements were carried on, just the same as on the continent,—music, dancing, beer-drinking, card-playing, etc. I went with him once to see what it was like; but as I never was fond of dancing, and was a total abstainer, I did not care to go again.

The beer drunk was only lager, and very mild, so that no harm ever arose on that score, and per-

---


---

6. Lucille Kohler, “Bock Beer Days in St. Louis,” Harper’s Magazine 165 (July 1932), 210, 213. Kansas brewers made bock beer, a spring beer with relatively high alcohol content, and used a goat in their advertisements. Bock is the German word for goat.
haps there was no more harm in spending Sunday in that way than in the way most young fellows do over there,—fishing, shooting, swimming, or horse-running.9

Not everyone shared Ebbut’s tolerance. In Kinsley, where J. Kinsler operated a short-lived brewery in 1878 a mile southwest of town, one citizen complained, “In fact, it is a common Sunday resort for a number of people whose chief end of existence is to guzzle down beer as a hog does swill, and with no more judgment as to when to stop than the hog, which stops only when its belly is so full that it is compelled to for want of room.”

Kansas Germans also had their Turne Halles, bastions of German culture, socialization and athletics, where the town brewer and his employees often held key offices. Kansas Turne Halles (commonly known as Turner Halls) and other German institutions, such as German newspapers, represented the German subculture’s resistance to assimilation and its reluctance to abandon the past.10 Turne Halles with their reassuring cultural events, food, and drink eased Germans’ transitions into their new Kansas homes. Not only in larger cities; Turne Halles also provided Germans in Newton, Hanover, Junction City, Wyandotte, Brunswick, Frankfort, Summerville, Bern, Eudora, Fort Scott, Beloit, Valley Falls, and Marysville with a place to host parties, exercise in gymnasiums, learn the grand waltzes from dance masters, and participate in amateur German comedies and melodramas.

H. Miles Moore described Leavenworth’s three-story Turne Halle with its oak-shaded garden as a setting where friends and families “held sweet communion with the spirit of the fatherland, so far way” and “listened to the soft and gentle music of the sweet-toned violin and lute and sipped the foaming

nectar of the gods, their hearts in rapture dwelt, as they thanked the Great Spirit of the past that had guided them on their weary way to this land of freedom they so much love. Others remember them as a place for singing German songs, bowling, reading German literature, and for drinking beer. "They took great pride in their physical culture," said Kansas historian John Ripley. "It was a fine organization although bluejays didn't like it too much because they (the German-Americans) drank beer."

The beer makers and their employees who furnished beer for Turne Halles and Kansans of all origins typically came from the Germanic territories. Germans' dominance of the Kansas brewing industry is revealed in the information compiled in the 1875 state agricultural report, which shows the national origins for brewers and malsters in Kansas: Germany (53), United States (9), England and Wales (4), Scotland (3), France (2), other northern European countries (2), Ireland (1), and southern European countries (1).

When Germans left their splintering homelands during the mass emigrations (the Volkerwanderung) of the nineteenth century, they brought their skills, among which was brewing, a common trade in a country recognized worldwide for its beer-making mastery, brewery schools, model breweries, and for its annual forty-six and a half gallon per capita beer consumption. German brewers were encouraged to come to the United States by Gottfried Duden, the author of the 1829 A Report on a Journey to the Western States of America and a Study of Several Years along the Missouri, generally considered the book that most influenced German migration to the United States. In his analysis of transferring skills, Duden told emigrating craftsmen that beer brewers could quickly get rich, providing they find farmers willing to grow hops and barley. Duden cautioned brewers to locate near cities and to bring capital with them. Nicholas Hesse, in his 1838 report to Germans on conditions in the Midwest, echoed Duden's findings; brewers could make a lot of money but had to have ample financial means to erect their breweries.

While drinkers of all nationalities in the United States might put back an ale, porter or stout, what they hankered for was German lager, a light amber beer relished by cowboys, sodbusters, and businessmen alike. Lager was not a new beer; it had been a German staple since the thirteenth century. But lager was new to Americans and differed from ale in its production and smoother taste. Linked with the reduction of whiskey drinking in the country, lager steadily grew in popularity after its introduction in 1840. Although lager did not replace stout, porter, ale and other beer, it did become so popular and was so predominantly made by Germans that the U.S. Brewers' Association held its conventions in the German language from the organization's inception in 1862 until 1875.

Breweries grew into immense complexes to keep up with the nation's demand. But early Kansas breweries—small-scale enterprises compared with breweries back east—never had the luxury of time to evolve into such grandiose complexes. Some started with little more than a brewmaster's knowledge, a copper kettle, and a cool storage cavern. However, most brewers had brought investment capital into Kansas or incorporated outside investors' money into their breweries. Many, especially those in the state's larger urban centers, such as Topeka, Atchison, Lawrence, Emporia and Fort Scott, were founded by well-heeled entrepreneurs fully aware of breweries' money-making potential. These larger plants steadily advanced in size and sophistication, that is, before prohibitory laws shut them down.

Leavenworth—A Beer Lover's Delight

If Kansas had one town that would make its claim to be a brewing hub, that town was Leavenworth. A beer lover's delight from its start (through and past state prohibition), Leavenworth had at least six breweries operating concurrently during the 1850s and shipped beer across the territory and beyond in the years to come. From the stone cave brewery of August Uihlein to the manufacturing complex of Becker & Lincke, Leavenworth reflected the fast-moving changes of the beer industry. Its breweries tried to dodge the double-barreled threat

11. H. Miles Moore, Early History of Leavenworth City and County (Leavenworth: Samuel Dodssworth Book Co., 1906), 207.
16. An example of lager's market share: the Western Missouri Republic, St. Louis, reported on June 10, 1860, that Missouri brewers produced lager (122,408 barrels), common beer (8,590 barrels), and ale (4,400 barrels) the preceding year.
of vigorous competition and the volatile economy of an emerging town in infant Kansas.

Of the mighty Leavenworth breweries, the Kansas Brewing Company founded in 1854 was the earliest brewery in the city and in Kansas Territory. John Grund, father of the first child born in Leavenworth, started the brewery between Fifth and Sixth streets on the south side of Delaware Street with the financial assistance of Lucius and Lyman Scott. With additional funds from Henry Foote, another venture capitalist, Grund revamped the two-story brewery with attached saloon. Geared to produce five thousand barrels of beer a year, the $50,000 brewery employed ten men, five of them German immigrants living in Grund’s spacious, servant-staffed home.

More breweries quickly followed. Fritzlen & Mundee erected their 30-by-75-foot contending brewery on the banks of the Missouri River. Across from the original courthouse, August Uihlein, known for brewing the beer served to Abraham Lincoln on his 1859 presidential campaign stopover in Leavenworth, set up his brew kettle and mash tuns in an old stone cave. Farther west, Reimbold Khim and Frank Wherle started their 2,600-barrel-a-year brewery on Choctaw Street.

Still more made a try in the gateway city. Notable here were John Brandon and David Block who gambled on the bottling trade in 1858 with such success that by 1863 they added cream ale, stock ale, and porter to their output, all initially brewed in a one-barrel kettle. Neither partner knew much about brewing at first, particularly Brandon, an English transplant who got interested in bottling by chance in St. Louis while working as an engineer.

Another early Leavenworth brewer was Joseph Kunz, a middle-aged German who lived in a large stone home on the south bank of Three Mile Creek. Half of his home served as a malt house where seven thousand bushels of barley were converted into a year’s worth of malt. After the beer cooled, Kunz’s five full-time employees, all of whom lived on the premises, stored it in sandstone vaults that “were all connected by tunnels, and living springs of the purest water flow through them. A beautiful grove stood on the slope of the hill, with seats
arranged, and almost every evening an excellent band discourses sweet and enlivening music from the balcony above. It was the favorite place of resort for many of our best citizens during the warm and sultry evenings of the summer months.”

During the 1860s Leavenworth breweries annually provided a market for forty thousand bushels of barley and employment for fifty people. Not surprisingly, by the 1870s Leavenworth's brewing industry had changed. Grund, the force behind the Kansas Brewery, had gambled and failed. After Foote lent financial help for building improvements, the owners still found the Delaware and Fifth Street brewery inadequate. They said the beer did not ripen properly and lacked the necessary bouquet, both faults they attributed to uneven temperature, incorrect ventilation, and impure water. In 1868 the two bought the small Cannon Brewery (long-owned by August Seeland), a mile from the heart of the city on Shoemaker Avenue, and adjoining land to put up a three-story brewery.\(^{38}\)

To assure pure water, they used spring water channeled through wooden pipes linked to Pilot Knob Hill a mile away. For a short time the new brewery did well, but the improvements proved too costly when Leavenworth's unstable economy caused many business failures. Grund and Foote could not pay the interest on the money they borrowed from Lucien Scott, who took over the company. He sold the state-of-the-art brewery to the Becker & Lincke corporation, owners of the Leavenworth Bottling Works and a wholesale beer depot in Emporia.

As for the other Leavenworth breweries, Fritzlen & Mundee's brewery, long defunct, became a flour mill. Uihlein dropped out of Leavenworth's brewing ranks, but his four sons stayed in the beer business elsewhere. Nephews of August Krug the founder of Schlitz Brewing Company, the Uihlein brothers inherited controlling interest of Schlitz when Joseph Schlitz (the widow Krug's new husband) drowned on an ocean voyage to Germany in 1875.\(^{19}\) Wherle died of malaria causing Khim to sell the plant to another Leavenworth brewer who moved the equipment to a different location.

Brandon & Kirmeyer continued to grow into one of Kansas' largest breweries. The company added lager production in 1870 and installed the biggest beer vats in the state—each vat holding 650 barrels. These innovations and a lucrative Fort Riley contract resulted in a block-long complex generating annual revenues of $100,000 until prohibition eventually caused the plant to close.

The financial sheet did not look as good at Joseph Kunz's brewery, especially after his widow married his much younger nephew Charlie Kunz. Fresh out of his teens, Kunz enlarged the brewery's capacity to store three thousand barrels of lager beer, then built a large store and malt house on the north side of Choctaw Street. After the building improvements and years of rocky financing, he lost the brewery in 1879 to creditors who dismantled it, selling much of the operation to owners who moved it to the site of the former Wehrle and Khim brewery. Kunz's brewery became a fruit storage warehouse; the Union Pacific Railroad took over the malthery (the area used to sprout and dry barley into malt) for use as a freight office.

"Bad Luck" in the Brewing Business

Leavenworth's sizable population (including an abundance of Germans and military personnel), shipping facilities, and early entry in supply-outfitting made brewing beer a promising enterprise. "Without the least desire to advocate temperance or intemperance, we can only say that the beer-making industry is a material advantage to the city, and when conducted as it is at the present time, should be encouraged," wrote two Leavenworth historians in 1880.\(^{21}\) Other Kansas towns rarely had more than one brewery. If a town did, it did not have one for long because the brewery business—as is evident from studying Leavenworth breweries—faced common industry downfalls in the evolving state. In Charles Alten's case, competition from Theodore Weichselbaum, the owner of the nearby Ogden brewery grossing $1,000 month, thwarted Alten's brewery

17. Moore, Early History of Leavenworth City and County, 189.  Moore devotes a chapter to Leavenworth's breweries, however, some information appears inaccurate (especially operation dates) after comparison with city directories, Sanborn maps, newspapers, census reports, and local histories including J. H. Johnston, Leavenworth: Beginning to Bicentennial (Leavenworth: Benedictine College Press, 1976).

18. Gottfried Peipe, a former Kunz foreman from Saxony, and Peter Schmidt manufactured beer at the Cannon Brewery from 1868 to 1874. Peipe ran it by himself from 1875 until 1880.

19. Telephone conversation with Harry Anderson, executive director of the Milwaukee County Historical Society, Milwaukee, Wis., April 20, 1992. The Leavenworth Times, August 1, 1948, also relates the connection between the Leavenworth Uihlein family and Schlitz Brewing.

20. Moore, Early History of Leavenworth City and County, 188; Leavenworth city directories, 1862-1880; Kansas State Agricultural Census, 1865.

21. W. S. Burke and J. L. Rock, History of Leavenworth (Leavenworth: Board of Trade, 1880), 52.
hopes in Manhattan. Alten sold his equipment to a Salina brewer a year after his limestone brewery opened, saying that Weichselbaum could have the territory to himself. Alten returned to his former occupation of gardening.22

Besides competition, breweries often toppled because of business mismanagement evident in Kunz’s overextension in Leavenworth. Evasive bookkeeping ruined John Apperger’s brewery; the U.S. Collection Department seized his fifty-barrel-a-year brewery in Oswego after Apperger neglected paying his annual operating revenue taxes and ninety-two and a half cent-a-barrel tax for several years. Economic slumps also ruined brewers. In Wathena, Peter Girardy added a partner to boost business but still ran through his savings in four years, blaming hard financial times following the Civil War for his 1869 closing.23

Several Kansas brewery magnates-to-be simply chose the wrong location. Eager to take advantage of the Smoky Hill Trail traffic created by the stages operated by the Butterfield Overland Despatch, Ernst Hohneck built a hotel and brewery at Bavaria (nine miles southwest of Salina) in 1865 only to see the stage stop abandoned two years later. Enterprising Ed Zellekin sunk great sums and four years into his Baxter Springs brewery on the Black Dog Trail in the early 1870s, then watched the town wither when its cattle trade moved elsewhere.24 Peter Marsch on Carr Creek, yet another brewer with bad luck, tried to capitalize on beer brewed from the famed mineral spring that gave Waconda Springs, a boom town of the early 1870s, its name. Unfortunately, the railroad bypassed Waconda Springs. Deserted by 1880, the town’s buildings were razed, burned, or moved to

22. Manhattan Enterprise, August 15, 1877.

24. Zellekin more than made up for his loss when he resettled in Joplin, Missouri, and made a fortune in the mines. His brewery sat unused for years until Charles Parham, founder of the Apostolic Faith Movement, converted it into a seventeen-room mansion for personal use.
Cawker City—except the stone brewery, by then an empty shell on the Plains.

Of all the threats to enterprising brewers in Kansas, perhaps none loomed so menacingly as breweries in the East. Outsiders, such as Valentine Blatz in Milwaukee, set up depots in eastern Kansas towns or peddled beer barrels—offered at tempting discounts—shipped in "refrigerated" railcars insulated and lined with ice. Anheuser-Busch, one of the first breweries to use refrigerated cars, dispatched carloads of beer as early as 1871 and built trackside ice houses between 1875-1880 for expansion into southern and western markets. By 1876 Anheuser-Busch sent thirteen carloads of beer per delivery to Junction City during a time when Junction City hosted two of its own breweries in addition to Weichselbaum's Ogden brewery a few miles away. Topeka, a city with several healthy breweries, reported shipping in as much beer in 1879 as it produced. Out-of-state breweries further ensured sales by setting up their own personally stocked saloons in Kansas.

The encroaching outsiders ate into Kansas brewers' profits, especially those of one of Kansas' biggest breweries, the Southwestern Brewery in Atchison. Its owners, Josef Hagelein and Herman Ziebold, both originally from the Black Forest of Germany, put on German entertainments every Sunday, offered skating on their ice rink, and did such business that the trolley stopped several times a day at the brewery to let riders sip their touted Home Favorite Brand Beer.

Each year the partners shipped ten thousand kegs of beer across Kansas and Missouri in connection with their extensive malt trade. Sales increased until a bonanza of beer consignments started coming in from St. Louis (particularly from Anheuser-Busch and Lemp's), Milwaukee, and Quincy, Illinois, breweries. Hit hard by the influx, the owners reported that the flooded market forced them to confine sales to Atchison. However, they did not slow down production during the onslaught, nor did they slow down for prohibition. In 1897 Southwestern's brewery manager wrote to relatives in Germany that Germans were leaving Kansas because of prohibition and he might move too:

We are doing our best to resist the trickery of these fanatic prohibitionists. Our business has managed to change with the times, and it could turn into a gold mine if it weren't for these insane, restrictive laws here... In our town as also in a few other benevolent places around and about, establishments which serve alcohol are tolerated if they pay a monthly fine that comes out to about 200 marks a month. Most of these towns are always in debt, so they feel they need this income. That is the only reason drinking establishments are tolerated at all. There is no repeal of this crazy prohibition law in sight. I suspect as soon as I can, I will get out of this business and return to farming.

In 1902 the Southwestern Brewery closed when prohibitory laws finally were enforced in Atchison.

Change in the Industry

During the latter half of the nineteenth century, the brewing industry nationwide experienced breakthrough advances. Electricity, air-conditioning, improved bottle stoppers, the 1883 introduction of pure lager yeast, steam engine sophistication, and pasteurization allowed plants to standardize their beer and expand into hundred-acre complexes. By 1900 major breweries in the United States employed total mechanization. Brewing turned from an art where brewers gauged the cooking of malt from its color into a science run by mechanical gauges.

Kansas brewers took note of the industry changes. Adventurous owners boosted the power of their heavily-muscled workmen and thick-necked horses with steam engines; they replaced icehouses and cellars with air-conditioned coolers. A few brewers started bottling their beer and entered a packaging nightmare. Federal laws mandated bottling done
Chris Schubert,
Turner Hall Saloon,
Shaunee St., under Turner Hall,
Leavenworth, Kansas.

A cordial invitation is extended to all. A Fine Stock of Liquors, Wines, and Beer always on hand.

Fresh beer and lunch every morning.

D. W. Williams
Lager Beer Brewery,
Concordia, Kansas.

The highest price paid for Barley and Hops.
Farmers will always find at the malt house a good market for Barley.

Beer Garden!
At Freshwater's Grove.
South of Mayor Grignon's. In River bend.

John Birmingham & Geo. L. Shumacher, Prop.

Open every Sunday afternoon and evening.

Come one! Come all!

Ice cream, lemonade, &c.

Come one! Come all!

The beer will be to the best taste.

Brewery Sites in Kansas
1854-1911

Kansas Brewery
Cor. Sixth and Delaware Sts.,
Leavenworth, Kansas.


Kirwin
Wacota Springs

Rome (Hays)
Munjoy

Smoky Hill River

Kansas River

Cement River

Kinsley
Carrying away the empties was an "every day scene when the joints were open."

in a separate establishment from a brewery: a ruling, brewers said, that aided revenue collectors who preferred counting kegs rather than bottles. (The law changed in 1890 to allow the use of pipe lines from brewery storage cellars to bottling houses.)

The impact of these changes did not fully hit until the end of the century, so frontier brewers still had a chance to generate healthy profits using outdated equipment and methods that soon would prove cost ineffective. Using inexpensive materials and by charging $10 a barrel (each barrel containing thirty-one gallons or four hundred glasses), brewing enticed many looking for a quick way to prosperity and a chance to be a “moneyed prince,” similar to those in St. Louis where each of the top twenty-five brewers’ revenues averaged $140,000 a year.30 If a brewer sold his own beer by the glass, he doubled his profits.

Because of the hefty profits, many brewed beer for their own saloons or sold beer in a sideline business. Farmers, such as Frederick Hebrank of Council Grove, or Cassimer Steinnon of Neuchatel, set up small basement breweries, as did merchants, saloonkeepers, bakers, and others eager to cash in on the popular product. Emil Werner, a Wichita city councilman whose saloon properties continually upset his fellow councilmen, owned two raucous saloons in Wichita and a pint-size brewery to stock them. As his beer profits grew, he invested in real estate, building and selling so often and so well that by 1887 he owned thirteen business buildings, seven tenement houses, and other properties in Wichita.31


31. H. Craig Miner, Wichita: The Early Years, 1865-1880 (Lincoln: University of Nebraska Press, 1982), 112-15, see also Portrait and Biographical Album of Sedgwick County, Kan. (Chicago: Chapman Bros., 1888), 967-68.
Prohibition—The Beginning of the End

As full- and part-time brewers reaped profits, they kept a close and irritated eye on temperance societies pushing for state prohibition. Wary of the activists, brewers continually lobbied for their livelihood. At times they tried persuading with their product:

Yesterday a letter was sent to a prominent brewer of Leavenworth, stating that if he wanted to defeat the bill regulating the sale of intoxicating liquors he would have to send up some beer, and this afternoon when the legislature received an invitation to attend a session of the state temperance convention, the announcement was also received that five kegs had arrived from Leavenworth.32

Brewers also wooed newspapers by giving them kegs of beer, and, with saloonkeepers, lobbied in Topeka to halt restrictive changes in liquor laws. They spent huge sums of money to fight the proposed prohibition law claiming that it would hurt farmers by diminishing their barley market.33 Fearing its passage would scare off their civil libertarian countrymen from settling in a state proposing such restraints on individual rights, German immigrants (except German Mennonites in the south-central counties of Harvey, Marion, and McPherson) also voiced their opposition to prohibition.

The editor of Leavenworth's Kansas Freie Presse, the leading German newspaper in the state, was vitriolic in his diatribes against temperance. Expressing the German sentiment toward temperance, a December 5, 1877, Freie Presse article exclaimed:

Under the cloak of church and religion the temperance preachers excite the short-sighted masses of the people against drinking. . . . Trade in our republic is supposed to be free in every kind of goods, and as the enjoyment of food is unrestricted and left to the discretion of the individual so ought it also to be with the enjoyment of drink. . . . Miserable weaklings are they who need a written

pledge and outward sign to enforce moderation on their animal appetites, even more miserable liars and cheats are they who forbid a moderate public enjoyment of the drinks given us by nature itself and thereby advance this same enjoyment in increasing measure.34

The Freie Presse and Kansas Germans argued that consumption of beer promoted moderation (massigkeit). Wrote a midwestern journalist sympathetic to the German stance, "The only possible way by which inebriety can be prevented is by supplanting the fiery and poisonous liquor with a drink that cheers and exhilarates without making men mad, impetuous drunkards . . . and since beer possesses these alluring properties discovery is serving a most useful purpose, and it must at length prove a great agent in the reformation of mankind."35

Excessive drinking was not condoned by Germans who believed Americans drank too much, which they linked to the American custom of purchasing each other's drinks: Germans paid only for their own beer. Kansas Germans worked to downplay the Kansas liquor question to settlers from their homeland and founded the German Immigration Society in Atchison to educate Kansans on prohibitory legislation.

The temperance perception of beer drinking befuddled immigrants from the Germanic and Scandinavian countries. As Dr. Max Henius would say at the U.S. Brewers' Convention three decades later when describing beer drinkers in a public park on the continent:

Here is a truly democratic institution, men and women of all classes rubbing elbows on the plain seats, little tots walking around among them with the wide-eyed unconcern of childhood. Had they been attending an American school, they would have been taught that their fathers and mothers who sit on the benches beside them were surely going to drunkards' graves because they drank beer, and they themselves must be degenerated and sooner or later in the poor-house, or the prison.36

While some temperance activists tolerated beer and wine (the American Temperance Society, orga-

32. Leavenworth Times, January 16, 1872.
33. A dubious argument, considering that the amount of barley grown in Kansas was slight compared with other grains (about the same amount grown as sweet potatoes or tobacco). Brewers required the heat-sensitive grain cut early for a brighter grain and dried before curing. Brown and Republic counties in the 1870s grew the most barley, followed to a lesser extent by Marion, Cloud, McPherson, and Pawnee counties. For further information, see Kansas State Board of Agriculture annual reports for 1872-1876, and biennial reports for 1877-1880.
35. Dacus and Buel, A Tour of St. Louis, 275.
nized in 1828, initially only required abstinence from distilled spirits; and saloon owners, such as Col. C. R. Jennison, proprietor of Leavenworth's famed eating saloon, the Saratoga, quoted biblical references advocating wine and malted beverages to disarm liquor foes), other crusaders did not. Advocates of temperance held conventions, staged demonstrations, issued ribbon awards to self-proclaimed abstainers, started boycotts, prayed in Kansas saloons, and committed "spillings" of liquor in attacks on saloons. They believed alcohol contributed to poverty, family disintegration, political corruption, and other problems.

Prohibition opponents, who thought voters never would pass the proposed act, judged incorrectly. Narrowly passing the state legislature in 1879, the prohibitory amendment went to Kansas voters who approved it by a 7,998 vote margin in the general election of 1880. As Clara Francis wrote in her 1916 overview of prohibition in Kansas, the movement was not "a sudden uprising of people," nor the result of "a few fanatics." Instead, the vote reflected "a crystallization of the slowly developed sentiment" held by many voter factions and nationalities resentful of the unruly behavior that saloons spawned. Five states followed Kansas' lead in the next decade and passed constitutional prohibition, three of them later repealing the measure.

Some breweries closed promptly, quietly, as did the state's two distilleries. Other breweries operated discreetly a few more years (i.e., in Beloit, Topeka, Marysville, Chanute, Highland, Iola, Leroy, Wichita, Winfield) waiting to see if the "Prohibition Folly," as some liquor dealers called it, would be implemented. (Annual Internal Revenue reports showed twenty-two Kansas breweries paid federal liquor tax in 1882, and seventeen breweries paid in 1884.)

37. On Jennison, see Western Home Journal, Lawrence, March 26, 1875.

Enforcement in some areas was immediate. But in many cities, prohibition merely was winked at, causing the Burlington Hawkeye to thunder, "Men have fought, bled, and died, but not for beer. . . No clauses in the Declaration of Independence declare that a Sunday concert garden with five brass horns and sixty-eight kegs of beer, is the unalienable right of a free people, and the cornerstone of all good government."

The initial years following the adoption of prohibition into the state constitution fostered with courtroom battles and flagrant defiance. Larger brewers with more to lose refused to accept the law and fought its enforcement in the courts. Peter Mugler doggedly defended his right to brew in Salina, pushing his case through to the U.S. Supreme Court with the financial help of the U.S. Brewers' Association. His challenge resulted in "a national landmark in temperance legislation" and was one of many temperance courtroom victories in the 1880's "over the beer-loving Germans and other wets" who unsuccessfully battled the prohibitory amendment.

Mugler argued that the government confiscated his business without compensation, a violation of the U.S. Constitution's guarantee that no state can deprive an individual of life, liberty, or property without due process of law. Mugler asked the court who was going to recompense the money he had invested in his business. If his property was not used for brewing beer, Mugler said, then it was worth less than $2,500.

Before the U.S. Supreme Court, Mugler's lawyer argued: "The effect of the act is to close the doors of his business, and leave what had been valuable property, recognized and protected by the law, lifeless, unremunerative, and almost worthless, as it idly rests under the condemnation of the new departure. By a simple legislative act, the defendant is stripped of $7,500 in value of property as if consumed by fire." After much haggling, the Supreme Court ruled prohibitory laws could be enforced against breweries—no property compensation, no jury trial.

Mugler's argument deserved recognition. The legal abolition of the short-lived brewery industry in Kansas signified the theft of livelihood and the curtailment of German social custom. The majority of Kansas brewery owners, as in Germany, were men of esteem in their respective towns, usually among the wealthiest and most generous of citizens. They regarded their business legitimate in a moral sense, as well as a matter of law. Yet state prohibition made them criminals and put scores of them out of operation without any reimbursement for financial loss.

The state countered that it never gave brewers the right to make beer, it only gave them a license to manufacture it. About brewers' claims that the state robbed them of their property's value (e.g., Ziebold and Haegelin who stated that their $45,000 brewery would be worth only $3,000-$5,000 for any other use), the judgment was that since the state did not take the breweries for public use, nor asked for property titles, then Kansas was not depriving brewers of their property. The same reasoning applied to the devalued, embedded machinery and appliances that would have to be removed from breweries' brick, stone, or masonry for transport and sale.

By 1885 the open selling of distilled liquor and malt beverages had abated. Of Kansas' thirty-five breweries in operation at the time of prohibition, only those in Leavenworth, Atchison, and Lawrence continued production.42 Grossing $1,000 a month, Theodore Weichselbaum had hired five brewers straight from Germany to work at his limestone brewery in Ogden and make beer which he shipped to Hays and as far east as Leavenworth and Atchison.43 He spent thousands of dollars in legal fees to battle state prohibition, finally declaring his $15,000 limestone brewery in Ogden a loss, useful only for grain storage. In Emporia, Frederick Mackey initially invested $25,000 in his brewery and hop-entwined beer garden where "many were the night when the glasses and steins clinked till the coming of the gray dawn of morning."44 Mackey lost the same amount in legal battles and property demotion. After his final defeat, Mackey eked out a living farming until his death of stomach cancer in 1900; his wife burned the dance pavilion and beer vats for fuel, later selling the brewery with adjoining acreage for $1,300. The wife of August Her-

42. The last Kansas brewery to close after state prohibition was in Leavenworth. After the Brandon & Kirmeyer brewery officially closed in 1888, John Brandon found a new brewing partner in George Beal, son-in-law of John Walruff the Lawrence brewer. They set up a larger brewery complex on Kickapoo Street in Leavenworth that operated until 1911.
44. Kansas City Star, July 23, 1905.
bolsheimer, owner of the oldest and largest of the Topeka breweries, sold the equipment in her recently deceased husband's brewery for "a fraction of its worth" in the late 1880s shortly before a banker called the mortgage on the three-story showplace brewery at Madison and Crane Streets.45

In Lawrence, John Walruff, a Prussian immigrant, invested $50,000 in his grand brewery with its five-acre beer garden and protested longer and at more financial loss than any other Kansas brewer about the prohibition law. Like the rest, he at first found prohibition a nuisance and kept producing beer. After his first arrest in 1881 and during the following six years, Walruff battled prohibition in the courts, attempted to disguise his beer as a "medicine" (a "stomach invigorator"), became a fugitive as did other family members, and near the end of his warring wrote, "I have fought the fanatics for six long years. All they want is to down me, and then they are of the opinion that their victory is complete."46

In 1886 Walruff won a brief victory. Judge David J. Brewer of the U.S. Circuit Court refused to grant an injunction against Walruff. Reasoning that while the state did have the right to close the plant because it produced intoxicating liquor, Brewer said the state was at fault for not compensating Walruff's loss in property value. Therefore, Brewer said, the injunction could not be enforced. To celebrate his victory, Walruff unfurled the American flag over his brewery and threw a party for his supporters. The Lawrence Tribune agreed with Judge Brewer's decision:

Public sentiment is largely in his favor. His patronage in this city is immense. His wagons deliver thousands of bottles of beer to hundreds of the best families of the city. Thousands of gallons of his beer are sent all over the State. The more he is enjoined, arrested, and fined, the more his business increases. His brewery is the best advertised business in the State of Kansas. John Walruff... has gained a national reputation. The popular heart of the busy world sympathizes with him. ... Five out of every ten members of

45. Topeka Herald, July 29, 1908.
46. Lawrence Tribune, June 10, 1887.
the Kansas Legislature who passed our present Prohibitory Law did not believe in it. 47

A few months after his legal victory, he was charged with violating the prohibitory laws by another grand jury. The ongoing case rose through the courts until Mugler’s Supreme Court decision prompted a local judge’s order to close the brewery, reasoning that the closure abated a nuisance and prohibited the injurious use of property. Hence, the state owed Walruff no compensation. After the decision, the county attorney of Douglas County charged Walruff with forty more legal violations. Walruff skipped bail, hiding out in St. Louis. During his absence, the same county attorney paid little for the $50,000 Walruff home and acreage, which did not surprise Walruff who had maintained that the brewery and grounds were worth $5,000 for any other purpose. 48

Out $25,000 that he had spent in legal battles, Walruff invested his remaining assets in another brewery—this one in Weston, Missouri. 49 Elsewhere, thriving breweries in Kirwin, Hanover, Independence, Eudora, Topeka, Atchison, Fort Scott, and Leavenworth claimed state prohibition forced them to close at serious financial loss. Twelve others (of which little is known except for operation dates) across the state closed between 1881-1884, presumably because of prohibitory legislation.

**In the Wake of Disaster**

Their investments dashed, former brewery owners left the state to brew elsewhere, retired permanently from business, or entered new occupations. Often they set up in related businesses such as bakeries, hotels, ice plants, and soft drink bottling works, or saloons, which stayed open until 1907 under a bogus fine system. (When his Concordia brewery closed, Dave Williams focused on The Museum, a saloon so immense that it covered three city lots. His saloon as well as eight others in Concordia were a nuisance, said George Rigby, the town marshal from 1882 to 1887, but a steady source of revenue. “We’d fine the saloon owners, sort of on general principles,” recalled Rigby. “It was these fines which provided the money which ultimately brought the Burlington Railroad through town!” 50

Some survived magnificently. Brewing less than a year, Otto Kuehne of Topeka quickly converted his Old Home Brewery into a vinegar plant using his same equipment. His wealth increased dramatically when he later bottled jams, table condiments, and vegetables grown on his irrigated vegetable farms. In Ellinwood, John Wolf, a former butcher from Germany, took a severe loss on his five-year-old brewery. He grimly rallied to convert his buildings into a bottling works, cold storage plant, and warehouse. By 1900 he also owned four elevators, two thousand acres of land, seven hundred head of cattle, and extensive city property in Ellinwood and Great Bend including the twin mansions he built for his children (one of whom married into the brewing Heim family of Kansas City). 51

The buildings that brewers left behind, typically solid structures of native rock or brick, went through their own metamorphoses. Owners used them in related pursuits (e.g., ice manufacturing), abandoned them (e.g., in Junction City, Waconda Springs, Wichita, Eudora, Junction City), turned them over to other manufactures (e.g., creamery, flour mill, tanning factory, pork packing plant), sold them for private residences, and other uses.

While state prohibition caused Kansas to lose an estimated $500,000 industry, it did not cut off its citizens’ beer supply. 52 Kansans could obtain beer from a pharmacy if a doctor prescribed it under prohibition’s medicinal exclusion; and in the mid-1880s they could bypass doctors and get beer straight from pharmacists if they had an “ailment.” Patent medicines, such as “hop tea” or “German syrup,” also made beer available. Although it was illegal to brew beer in Kansas, federal commerce laws conversely permitted the shipment of beer into the state. This practice increased in 1890 when a U.S. Supreme Court ruling allowing “original packages” of liquor to be sent into a state forbidding the sale of alcohol.

---

47. Kenneth A. Middleton, “Manufacturing in Lawrence, Kan.: 1854-1900” (Master’s thesis, University of Kansas, July 1940), quoting the Lawrence Tribune.


52. This figure is based on the author’s estimated number of barrels produced (50,000) by the thirty-five breweries in operation at state prohibition, multiplied by the going rate of $10 a barrel, and does not include the further federal and state loss of annual licensing fees, barrel tax, etc.
provided the alcohol was sold in its initial container. Kansans could buy beer, sell beer, and drink beer but they could not make it.

Germans in Kansas still drank beer cautiously at Turne Halles, but the carefree days of brewery-sponsored entertainments and beer gardens that they brought from the homeland became only memories.

Make yourself comfortable, good friend, at a little board table, under the hospitable shade of this noble linden, with the flowers blooming around you, and the soft air fanning your cheek, a band of music discoursing sweet sound from yonder pavilion; call for "ein Flask Bier."... They are all decently clad and respectable—mostly substantial citizens with their families, who come here of an evening to pass away the time. No such thing as quarreling or jarring is ever known; seldom a case of intoxication, and never any thing like rowdyism...

Now observe that group of merry old burghers sitting at the opposite table. The whole cost of their refreshments would not exceed fifty cents. Beer, nuts, brown bread, cheese: this is all it requires to make them happy. With what an overflow of good-humor they rally each other—all old fogies past fifty years of age! laughing, joking, poking, and smoking in most innocent harmony. It is their Paradise on earth...

Rich and poor, high and low, meet in these gardens and places of public resort upon terms of perfect equality. There sits a peasant family—the rough, burly father, the decent, homely wife, and promising son—in full peasant costume; as free, easy, and sociable, as much respected and as politely attended as the wealthiest banker on the premises.

Conclusion

Swept into the fruition of the Industrial Revolution, Kansas brewers faced expensive technological updating as they followed the pattern of early industries in Kansas. At first scattered enterprises, breweries took hold in more developed urban centers and in less populated areas, particularly with a strong German element, and flourished in the 1870s until state prohibition obviously curtailed the industry’s evolution. However, if breweries followed the path of other manufacturing plants in Kansas, they faced a probable decline before the century’s end as beer producers in Kansas City and nationally-marketing breweries saturated Kansas’ beer market.

Prohibition made it much easier for out-of-state concerns to gobble up the Kansas trade. When Kansas voted for state prohibition, Kansas City—with massive breweries of its own—already had the Quincy Brewery (from Illinois) resident depot shipping carloads of beer for the western trade. Others quickly jumped in. By 1883 Anheuser-Busch invested in Kansas City with a two-story office building, coolhouse, coopage shed, and stables housing twenty-four horses and ten wagons. Soon after, William J. Lemp Brewing Company built a huge complex to brew their Extra Pale, Standard, and Culmbacher beers. Two other eastern brewers, Pabst and Tosetti Brewing of Chicago, started branches in Kansas City in the 1890s, followed by M. K. Goetz in 1906.55

Kansas ousted out-of-state suppliers in 1907 through a series of beer property seizures across the state. The suppliers (excluding Anheuser-Busch and Blatz, both of which pulled out in early 1907, weary of court battles and fearful of property seizure) fought back in the courts to no use. In 1913 Congress banned the shipment of liquor from “wet” states to “dry” states. A few years later the Eighteenth Amendment made the manufacture, sale, and transportation of intoxicating liquors illegal. To enforce it, Congress passed the Volstead Act in 1919, and over 3,500 brewery owners across the United States faced the ruination of their brewery investments similar to Kansas brewers thirty-eight years earlier.56

As in Kansas, some brewers ceased operation immediately, while others unsuccessfully tried to overlook prohibition. Many abandoned their plants. A few bottled soft drinks or made “near beer,” a cereal beverage of less than one-half of one percent alcohol. Others converted their plants into creameries or manufactured malt syrup, candy, cheese, ice, and other products, hoping to ride out prohibition. After spending billions to enforce the amendment and suffering the loss of federal, state, county, and municipal revenues, Congress passed a resolution to repeal national prohibition on February 20, 1933; before the end of that year the necessary thirty-six states had ratified what then became the Twenty-first Amendment. Forty-four states again permitted the manufacture and sale of liquor by 1936 and within a few years of re-legalization, seven hundred brewing plants, many needing large capital expenditures, geared up for production again. Kansas also loosened its stance and permitted the sale of beer—3.2 beer—on May 1, 1937, but not the manufacture of beer.

It was too late for Kansas to regain its malt liquor industry. A few years earlier a Topeka Daily Capital columnist conceded the point: “Kansas can make no economic gain by repealing state prohibition. She has waited too long to capture a sizeable share of the brewing business. The money that could be spent through retail channels for alcoholic channels would go largely to outside manufacturers.”57

Threatened by out-of-state breweries before prohibition, Kansas brewers could have risen to the challenge and possibly had century-old breweries serving beer today if they managed to make it through national prohibition by bottling or making related products until repeal. Kansas breweries had a head start on neighboring states, sold fresh beer profitably, and stood a chance—as many small, local breweries in other states did—to quench the local and regional beer drinker’s thirst along with the giants of the brewing industry if not for state prohibition in 1881.58

A century later Kansas legislators recognized that breweries did have a place in Kansas. They passed relaxed liquor laws in 1987 allowing the establishment of “brew-pubs” (which must also serve food) and microbreweries that produce less than five thousand gallons of beer a year. In 1989 the Free State Brewery in Lawrence opened its doors as the first licensed brewery in Kansas since 1881 and joined the resurgence of small-scale breweries across the United States offering fresh, full-flavored beer in a variety of styles.

57. Topeka Daily Capital, September 24, 1934.
58. When Kansas turned its beer tap off about 1880, Oklahoma had yet to have a brewery; Arkansas had one; and Nebraska and Colorado had seventeen and thirty-two respectively. Only twelve states, all with far greater populations, had more breweries in 1880 than Kansas. New York, Pennsylvania, Wisconsin, California, and Ohio were the top beer-producing states until national prohibition.